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STATE OF NEW YORK

---

THE  
ELECTION LAW

BEING CHAPTER 17 OF THE  
CONSOLIDATED LAWS

CONTAINING

AMENDMENTS OF 1916

TOGETHER WITH

NOTES AND INSTRUCTIONS

AND

POLITICAL CALENDAR

---

PREPARED UNDER THE DIRECTION OF  
FRANCIS M. HUGO  
SECRETARY OF STATE

---

ALBANY, N. Y.

1916





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# POLITICAL CALENDAR

## FALL PRIMARY AND GENERAL ELECTION, 1916

Aug. 15 to Aug. 22	Certificates of designations to be filed with Secretary of State and custodian of primary records. § 49.
September 4.....	Last day for filing declinations of designations. § 50.
September 5.....	Last day for filing new designation after declination. § 50.
September 7.....	Last day for Secretary of State to transmit to custodians designations filed in his office. § 51.
July 1.....	Last day for filing list of candidates for election officers in cities. § 303.
August 7.....	Designation of polling places in the city of Buffalo. § 299.
September 1.....	Last day for appointment of election officers in cities. § 303.
September 5.....	Designation of polling places for entire State (except the city of Buffalo). § 299.
September 19.....	FALL PRIMARY DAY. Primary held from 7 A. M. to 9 P. M. except in New York City where polls are open from 3 P. M. to 9 P. M.
September 26 to Oct. 13.....	Independent nominations to be filed with Secretary of State. § 128.
Sept. 26 to Oct. 18	Independent certificates to be filed with board of elections or county clerk. § 128.

### Registration in New York City.

October 9.....	5:30 P. M. to 10:30 P. M., first day.
October 10.....	5:30 P. M. to 10:30 P. M., second day.
October 11.....	5:30 P. M. to 10:30 P. M., third day.
October 12.....	5:30 P. M. to 10:30 P. M., fourth day.
October 13.....	5:30 P. M. to 10:30 P. M., fifth day.
October 14.....	7 A. M. to 10:30 P. M., sixth day.

### Registration in Cities (Outside of New York) and Villages of 5,000 Inhabitants or More.

October 13.....	7 A. M. to 10 P. M., first day.	} § 150.
October 14.....	7 A. M. to 10 P. M., second day.	
October 20.....	7 A. M. to 10 P. M., third day.	
October 21.....	7 A. M. to 10 P. M., fourth day.	

**Registration in Districts Other Than Cities or Villages Having 5,000  
Inhabitants or More.**

October 14.....	7 A. M. to 10 P. M., first day.	} § 150.
October 21.....	7 A. M. to 10 P. M., second day.	

Written objection to any certificate of nomination may be filed with the officer with whom the original certificate of nomination is filed, within three days after such original certificate is filed, except that if by any independent certificate of nomination any person is nominated who is then or shall be after the filing of such independent certificate, the candidate of a political party for the same office, and the party certificate has been filed after the independent certificate was filed, the written objection to the independent certificate may be filed within three days after the filing of the party certificate. If such objection be filed, notice shall be sent by mail to the committee, if any, appointed on the face of the certificate, and also to each candidate placed in nomination by such certificate, and the question raised by such written objection shall be heard and determined as prescribed in section 125 of the Election Law. See § 134.

October 18.....	Last day to file declination of independent nomination which was filed with Secretary of State.	} § 133
October 20.....	Last day to file declination of an independent nomination which was filed with board of elections.	
October 23.....	Last day for filing certificate of new nominations caused by declination or disqualification, with Secretary of State and board of elections. § 136.	
October 24.....	Last day for Secretary of State to transmit to board of elections nominations filed in his office. § 129.	
November 1.....	Last day for publication of nominations in newspapers except in counties where no daily newspaper is printed. § 130.	
November 1.....	Last day for transmission of lists of candidates to town clerks and aldermen of cities by boards of elections. § 131.	
November 4.....	Last day for list of candidates to be posted by town clerk or alderman. § 131.	
November 7.....	<b>GENERAL ELECTION DAY.</b> Polls open 6 A. M., polls close 5 P. M.	

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# THE ELECTION LAW

## CHAP. 22

AN ACT in relation to the elections, constituting chapter seventeen of the consolidated laws.

Became a law February 17, 1909, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

## CHAPTER 17 OF THE CONSOLIDATED LAWS ELECTION LAW

- <sup>1</sup>Article 1. Short title; application; definitions (§§ 1-3).
2. Enrollment of voters (§§ 4-24).
3. Party organization (§§ 35-43).
4. Party nominations and designations (§§ 45-58).
- 4-a. Conduct of official primary elections; canvass of returns (§§ 70-94).
- <sup>2</sup>4-b. Conventions (§§ 110-114).
5. Nominating certificates; emblems; vacancies (§§ 121-137).
6. Registration of voters (§§ 150-184).
7. Board of elections (§§ 190-208).
- <sup>3</sup>7-a. Commissioner of Elections in the county of Monroe (§§ 210-223).
8. Times, places, notices, officers and expenses of elections (§§ 290-320).
9. Ballots and stationery (§§ 330-345).
10. Conduct of elections and canvass of votes (§§ 350-381).
11. Voting machines (§§ 390-421).
12. Boards of canvassers (§§ 430-444).
13. United States senators, representatives in congress and presidential electors (§§ 449-457).
14. State superintendent of elections (§§ 471-489).
15. Soldiers' and sailors' elections (§§ 500-522).
16. Corrupt practices (§§ 540-562).
17. Laws repealed; when to take effect (§§ 570, 571).

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<sup>1</sup> Schedule of headings amended by chap. 891, Laws of 1911, and chap. 800, Laws of 1913.

<sup>2</sup> Article 4-b repealed by chap. 820, Laws of 1913.

<sup>3</sup> Added by chap. 7, Laws of 1916.

## ARTICLE 1

### Short Title; Application; Definitions

<sup>1</sup>Section 1. Short title.

2. Application.

3. Definitions.

**§ 1. Short title.** This chapter shall be known as the "Election Law."

**§ 2. Application.** Except as otherwise herein provided, articles two, three, four and four-a of this chapter shall be controlling:

1. On the method of enrolling the voters of a party.

2. On the organization and conduct of party committees.

3. On the method of electing members of state and county committees, and delegates and alternates to national party conventions.

4. On the nomination by parties of all candidates for offices authorized to be filled at a general election, except town, village and school district officers. [*As added by chap. 891, Laws of 1911, and amended by chap. 820, Laws of 1913.*]

**§ 3. Definitions.** The terms used in this chapter shall have the signification herein defined unless other meaning is clearly apparent in language or context;

1. The term "general election" means the election held on the Tuesday next succeeding the first Monday in November.

2. The term "official primary" or "official primary election" means a primary election held by a party for the purpose of nominating candidates for office or, electing persons to party positions and conducted by the public officers charged by law with the duty of conducting general elections. An "unofficial primary" or "unofficial primary election" means any other primary or primary election held by a party or independent body.

3. The term "primary day" means the day upon which an official primary election is held, as in this chapter provided.

4. The term "fall primary" means the official primary election held on the seventh Tuesday before the general election.

5. The term "spring primary" means the official primary elec-

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<sup>1</sup> Schedule of section headings amended by chap. 891, Laws of 1911.

tion held on the first Tuesday in April in years when a president of the United States is to be elected.

6. The term "unit of representation" means any election district, town, ward of a city, assembly district, or any other political subdivision of the state, respectively, which is the unit from which members of any political committee or delegates to a party convention shall be elected as herein provided.

7. The term "custodian of primary records" means the officer or board whose duty it is by the provisions of this chapter to provide official ballots for general elections.

8. The term "board of elections" shall include a single commissioner of elections in a county having such an officer and the county clerk in any county which by the provisions of this chapter shall have no such board nor commissioner, except as otherwise provided in special provisions relating to any such county.

9. The term "party" means any political organization which at the last preceding election for governor polled at least ten thousand votes for governor.

10. The term "nomination" means the selection in accordance with the provisions of this chapter of a candidate for office authorized to be filled at a general election or at a special election held to fill a vacancy in such office.

11. The term "designation" means any method in accordance with the provisions of this chapter by which candidates for party nominations, or for election as party committeemen or delegates, may be named in order that they may be placed upon the official ballot for any official primary election.

12. The term "official primary ballot" means the ballot prepared, printed and supplied for use at an official primary election in accordance with the provisions of this chapter.

13. The term "party position" means membership in a party committee or the position of delegate or alternate to a national party convention.

14. The term "committee" means any committee chosen, in accordance with the provisions of this chapter, to represent the members of a party in any political subdivision of the state.

15. The term "independent body" means any organization or association of citizens which, by independent certification, inates candidates for office to be voted for at a general inspectors of or village election, or town meeting, and which, if ent body nominated a candidate for governor at

general election of a governor, did not poll at least ten thousand votes for its candidate for such office.

16. The term "party nomination" means the selection by a party of a candidate for an office authorized to be filled at a general election, or at a special election held to fill a vacancy in such office, or at a town meeting.

17. The term "independent nomination" means the selection of a candidate by an independent body for an office authorized to be filled at a general election, or at a special election held to fill a vacancy in such office, or at a town meeting.

18. The term "party candidate" or "party nominee" means a person who is selected by a party to be its candidate for an office authorized to be filled at a general election, or at a special election held to fill a vacancy in such office, or at a town meeting. [As amended by chaps. 649, 891, Laws of 1911, and chap. 820, Laws of 1913, and chap. 537, Laws of 1916.]

19. The term "independent candidate" or "independent nominee" means a person who is selected by an independent body to be its candidate for an office authorized to be filled at a general election, or at a special election held to fill a vacancy in such office, or at a town meeting. [Added by chap. 678, Laws of 1915, and amended by chap. 537, Laws of 1916.]

20. The term "enrollment books," when applied to those used in a city of over one million inhabitants, means registers of electors in which party enrollments of voters are entered or provided for in additional columns. [Added by chap. 537, Laws of 1916.]

## 4 ARTICLE 2

### Enrollment of Voters

Section 4. Delivery of enrollment books where registers do not include enrollments.

5. Enrollment books where registers do not include enrollments.

6. Voting booths and enrollment boxes.

7. Enrollment blanks and envelopes.

8. Delivery of enrollment blanks to voters who register personally.

9. Delivery of enrollment blanks to voters where registration is not personal.

5. The term enrollment by voters.

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<sup>1</sup> Schedule of ~~se~~ amended by chap. 891, Laws of 1911.

- Section 11. Examination, sealing and custody of enrollment boxes;
12. Certification and secrecy of enrollment where registration is personal.
  13. Certification and secrecy of enrollment where registration is not personal.
  14. Opening of enrollment box and completion of enrollment.
  - 14-a. <sup>4a</sup>Correction of enrollment lists.
  - 14-b. <sup>4b</sup>Special enrollment upon becoming of age.
  15. Enrollment for a new political party.
  16. Duplicate enrollment books.
  17. Use of duplicate enrollment books at unofficial primaries.
  18. Use of original enrollment books at official primaries.
  19. Right to enroll and vote at primaries.
  - 19-a. Special enrollment after moving.
  20. <sup>4c</sup>New enrollment books for changed districts.
  21. Enrollment books to be public records; transcripts of enrollment.
  22. Publication of enrollment.
  23. Judicial review of enrollment.
  24. Correction of enrollment with respect to persons not in sympathy with party.
  25. Investigation of enrollment.

**§ 4. Delivery of enrollment books where registers do not include enrollments.** In any political subdivision in which the registers of electors do not provide for entries of party enrollments, the custodian of primary records shall cause to be prepared on or before the fifteenth day of September in each year, original enrollment books to the number of two for each election district. Such enrollment books shall be so arranged that the names of all voters of the election district may be inscribed therein alphabetically. Said books shall be delivered by the custodian of primary records to the election inspectors of the respective election districts immediately before the first day of registration in each year and also in districts wholly outside of a city or village having five thousand inhabitants or more, to the town clerk at least twenty-four hours before the first day of registration, who shall deliver such enrollment books to the inspectors of

<sup>4a</sup> New section added by chap. 52, Laws of 1912.

<sup>4b</sup> New section added by chap. 244, Laws of 1914.

<sup>4c</sup> Repealed by chap. 244, Laws of 1914.

election of the respective election districts in his town one-half hour before the opening of the polls. [*As amended by chap. 678, Laws of 1915.*]

**§ 5. Enrollment books where registers do not include enrollments.** In a political subdivision referred to in the preceding section, the enrollment books shall be so arranged and printed that there shall be twelve columns on each page; the first for the enrollment numbers of the voters; the second for the surnames of the voters; the third for the christian names of the voters; the fourth for their residence addresses; the fifth for the word "yes"; the sixth for the name of the party, if any, with which the voter shall enroll; the seventh for the word "voted" in case the voter votes at the spring primary; the eighth for a record as to challenges in case he is challenged thereat; the ninth and tenth columns for similar entries in case he votes at the fall primary; and the eleventh and twelfth columns for similar entries in case there be a third official primary election or an unofficial primary election.

Reference, in this chapter, to a particular column, by number, of the enrollment books shall mean, when applied to a city having more than one million inhabitants, the appropriate column of the registers of electors. [*As amended by chap. 678, Laws of 1915.*]

**§ 6. Voting booths and enrollment boxes.** The custodian of primary records shall cause at least two voting booths of the same kind and description as voting booths used at general elections, to be erected in each place of registration before the first day of registration in each year, and such booths shall be and remain in said places of registration during the registration at the regular meetings for registration during that year; and it shall be the duty of the custodian of primary records to furnish in each voting booth so erected the same articles as are required by law to be placed therein for a general election, which articles shall remain therein during such registration. He shall also provide in like manner one enrollment box in each place of registration of sufficient capacity to hold all the enrollment blanks which are to be furnished for such place of registration, which shall be similar to the ballot boxes prescribed by law to be used at a general election. He shall also in like manner provide at each polling place on general election day, in each election district wholly outside of

a city or village having five thousand inhabitants or more, or partly within and partly outside of any such village, two such voting booths, for the enrollment of voters, the needed articles therefor, and an enrollment box, as above provided. [*As amended by chap. 537, Laws of 1916.*]

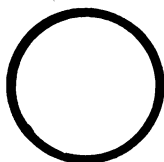
**§ 7. Enrollment blanks.** There shall also be prepared by the custodian of primary records at public expense, to be borne in the same manner as the expense of furnishing official ballots, and delivered by such custodian with the enrollment books, such number of enrollment blanks for each election district as will exceed by seventy-five the total number of voters registered in such district. The enrollment blanks shall be printed on white paper, and on the face thereof shall be printed the following, or the substance thereof, the blanks to be filled in in type so far as possible:

“Primary enrollment for the year ..... city  
(or village or town) of .....; county of  
.....; ..... assembly district (or ward  
or town); ..... election district; enrollment number  
.....

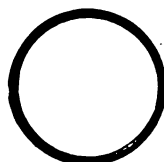
Name of voter .....

“I, ....., who have placed a mark underneath the party emblem hereunder of my choice, do solemnly declare that I have this day registered as a voter for the next ensuing election, (or, if the voter was duly registered otherwise than personally, that ‘I have this day voted in the above election district’) and that I am a qualified voter of the election district in which I have so registered (or voted), and that my residence address is as stated by me at the time I so registered (or, if registration was not personal, a statement of the voter’s present address); that I am in general sympathy with the principles of the party which I have designated by my mark hereunder; that it is my intention to support generally at the next general election, state or national, the nominees of such party for state or national offices, and that I have not enrolled with or participated in any primary election or convention of any other party since the first day of last January. The word ‘party’ as used herein means a political organization which at the last preceding election of a governor, polled at least ten thousand votes for governor.

..... Party  
(Insert emblem.)



..... Party  
(Insert emblem.)



“ Make a cross  $\times$  mark, with a pencil having black lead, in the circle under the emblem of the party with which you wish to enroll, for the purpose of participating in its primary elections during the next year.”

. The circles underneath the emblem shall be three-quarters of an inch in diameter, and in them nothing shall be printed. The party emblems shall be the same as those which were on the ballots for each party respectively at the last preceding general election, and such emblems shall be so arranged on each blank that the emblem of the majority party at the last preceding general election of a governor shall be first, and the other emblems shall follow in order in accordance with the vote cast for such office at such election; over each emblem shall be printed, in type clearly legible, the name of the party represented by such emblem. The enrollment blanks shall have thereon only the emblems of those parties to which this article is applicable. [*As amended by chap. 820, Laws of 1913, and chap. 537, Laws of 1916.*]

**§ 8. Delivery of enrollment blanks to voters on days of registration.** When, in any political subdivision of the state, a voter shall, at any of the regular meetings for registration in any year, present himself personally to the board of election inspectors in any election district for registration, or if, where his registration was not required to be personal and he was registered without personal application, he shall present himself personally to such board for enrollment only, his name and residence address shall be entered at the proper place in the two original enrollment books for that district. After he shall have been registered, and not before, as a qualified voter of that election district for the next ensuing general election, the board of election inspectors, or a member thereof, shall forthwith and before such voter leaves the place of registration, enter his enrollment number, beginning with number one for the first voter enrolled on the first day, and so on in numerical order, opposite

his name, in the first column of the registration books and the enrollment books, and shall write the name of the voter on the blank having the enrollment number which shall be opposite his name on the registration and enrollment books, and shall fill in the other blank spaces on the enrollment blank, and shall deliver to such voter an enrollment blank having his name on it. No voter shall be given more than two enrollment blanks in any event, nor more than one blank unless he shall spoil, deface, improperly mark, or otherwise destroy the first blank given him. In case a second blank is given him, the member of the board of election inspectors in charge of the enrollment books shall draw a line through such voter's enrollment number in the first column in said enrollment and registration books, and shall insert in such space in said columns the number which shall be upon the new blank to be given him, which number shall always be the lowest number of the enrollment blanks then unused in such election district. [*As amended by chap. 537, Laws of 1916.*]

**§ 9. Delivery of enrollment blanks to voters on election day where registration is not personal.**

When, in any town or village in which personal registration is not required, or in an election district a part of which comprises territory in which such personal registration is not required, a registered voter whose registration was not personal nor required to be personal, and who was not enrolled on a day of registration, shall present himself to the board of election inspectors in an election district at a general election for the purpose of receiving an official ballot to be voted thereat, his name and residence address shall be entered at the proper place in the original enrollment books for that district. After he shall have voted, the board of election inspectors, or a member thereof, shall forthwith and before such voter leaves the polling place, write his name on the enrollment blank having the lowest number of the blanks then unused in such election district, shall fill in the other blank spaces on such enrollment blank, shall deliver to him an enrollment blank having his name on it and enter opposite his name in the first column of the registration and enrollment books the number on the blank delivered to him. No voter shall be given more than two blanks in any event, nor more than one blank unless he shall spoil, deface, improperly mark, or otherwise destroy the first blank given him. In case a second blank is given him, the member of the board of election inspectors in charge of the enrollment books shall draw a line through such voter's enrollment

number in the first column in said registration and enrollment books, and shall insert in such space in such column the number which shall be upon the new set to be given him, which number shall also be the lowest number on the enrollment blanks then unused in such election district. Enrollment blanks shall be numbered consecutively, beginning with the one succeeding the last number used on the last preceding day of registration. [*As amended by chap. 537, Laws of 1916.*]

**§ 10. Enrollment by voters.** Such voter desiring to enroll shall then enter a voting booth in said place of registration or polling place, and, after having closed the door thereof, may make a cross X mark with a pencil having black lead in the circle underneath the emblem of the party of his selection and thereupon fold said enrollment blank so as to conceal the face thereof, and, before leaving the place of registration or polling place, shall forthwith deposit the same, as so folded, in the enrollment box in said place of registration or polling place in the presence of the inspectors of election, without in any way indicating the party with which he has or has not enrolled, and the inspectors shall thereupon enter in the enrollment books in the fifth column thereof the word "yes." If a voter declines to enroll, he may return the blank to the inspector in charge of the enrollment box, and such inspector shall indorse the name of such voter thereon and deposit the same in the enrollment box; and a like entry shall be made opposite his name in the fifth column of the enrollment books. The entries in the enrollment and registration books required by this and the two preceding sections shall be made by a member of the board designated by the chairman.

One mark crossing any other mark at any angle within the circle shall be deemed a cross mark within the meaning of this article. [*As amended by chap. 537, Laws of 1916.*]

**§ 11. Examination, sealing and custody of enrollment boxes.** Before the entry of any enrollment number or the delivery of an enrollment blank to any voter, in any year, the said enrollment box shall be examined by the board of election inspectors and when empty shall be locked and sealed by them in such a manner that should it be opened such seal would be broken; and the same shall remain so locked and sealed until the same shall be opened by the custodian of primary records as hereinafter provided. Said boxes shall be in the charge and keeping of the

custodian of primary records at all times except during hours of enrollment. [*As amended by chap. 537, Laws of 1916.*]

**§ 12. Certification and secrecy of enrollment occurring on a day of registration.**

1. Except as otherwise provided in subdivision two hereof, at the close of the last meeting for registration in each year the board of election inspectors shall severally subscribe and verify duplicate declarations, one of which shall be printed in or attached to each of the original enrollment books. Such declarations shall be to the effect that the persons shown by such enrollment books are the only persons who registered personally as voters in that district on any of said days of registration or who, having been registered on any of said days without personal application, thereafter applied for and received enrollment blanks, and such declarations shall set forth the number of the last enrollment blank used on such last day of registration. Immediately upon the close of each day of registration, and before leaving the meeting place, the board of election inspectors shall publicly inclose the said enrollment books, together with all records pertaining thereto, in a sealed envelope, upon which shall be written or printed in distinct characters the number of the election district. Such envelope shall remain in the custody of the chairman of the board until the meeting on the next day of registration, when it shall be publicly opened. The envelope sealed at the close of the last day of registration shall, within twenty-four hours thereafter, be delivered to the custodian of primary records. Such envelope shall remain sealed until the next Tuesday following the next ensuing day of general election, except that in any election district in which personal registration is not required or comprising territory in a portion of which personal registration is not required such envelope shall be returned to the board of inspectors before the opening of the polls on the day of general election, to be by them opened and used and again delivered to the custodian of primary records as prescribed in section thirteen. No member of the board of election inspectors shall make, or allow to be made, a copy of, or a transcript or statement from, the enrollment books.

2. In a city of over one million inhabitants, at the close of the last meeting for registration in each year the board of election inspectors shall severally subscribe and verify four declarations, one of which shall be printed in or attached to each of the original registers. Such declarations shall be to the effect that the

persons shown by such registers are the only persons who registered personally as voters in that district on any of said days of registration and shall set forth the number of the last enrollment blank used on such last day of registration. [*As amended by chap. 678, Laws of 1915, and 537, Laws of 1916.*]

**§ 13. Certification and secrecy of enrollment occurring on the day of general election.** At the close of the day of general election or on the following day in each year, in an election district in which the enrollment of any voters is permitted under this article on the day of such election, the board of election inspectors shall severally subscribe and verify duplicate declarations one of which shall be printed on and attached to each of the original enrollment books. Such declarations shall be to the effect that the persons shown by such enrollment books whose enrollment number is higher than the last number used on the last preceding day of registration, constitute all of the persons voting in that district at such general election whose registration was not personal and who had not, after such registration, applied for enrollment on a day of registration. They shall inclose such enrollment books, together with all records pertaining thereto, in a sealed envelope, upon which shall be written or printed in distinct characters the number of the election district, and shall within forty-eight hours after the close of such general election deliver the same to the custodian of primary records. Such envelope shall remain sealed until the following Tuesday. No member of the board of election inspectors shall make, or allow to be made, a copy of or a transcript or statement from the enrollment books. [*As amended by chap. 537, Laws of 1916.*]

**§ 14. Opening of enrollment box and completion of enrollment.** It shall be the duty of the board of inspectors, or one of them, at the close of the registration, and again at the close of a day of general election where voters are enrolled on that day, to deliver the enrollment box to the custodian of primary records. All enrollment blanks contained therein shall remain in such box, and the said box shall not be opened nor shall any of the blanks be removed therefrom until the Tuesday following the day of general election in that year. Such box shall then be opened by the custodian of primary records, and the blanks contained therein shall be removed thereupon by said custodian, and the name of the party designated by each voter under such

declaration shall be by said custodian entered against the name of such voter in the appropriate column of three registers, in a city having more than one million inhabitants, and of the enrollment books elsewhere for the election district in which such voter resides. Such enrollment shall be completed before the succeeding fifteenth day of February in each year. If cross marks are found in more than one of the circles, or if no cross marks are found in any of the circles of any enrollment blank, the voter who used the enrollment blank thus deficient shall not be deemed to be enrolled, and words indicating the reason why such enrollment is not transcribed shall be entered against the name of such voter in the register columns reserved for the entry of party enrollments, in any city of over one million inhabitants, and elsewhere in the sixth column of the enrollment books. When all of the enrollment shall be transcribed from the blanks to the enrollment books or registers, the custodian of primary records shall subscribe and verify identical declarations, one of which shall be printed in or attached to each of the said original enrollment books or registers, which declaration shall be to the effect that he has correctly and properly transcribed the enrollment indicated on the blank of each voter to the said enrollment books or registers, as herein provided. [*As amended by chap. 678, Laws of 1915, and chap. 537, Laws of 1916.*]

**§ 14-a. Correction of enrollment lists.** Any voter who has been or shall have been enrolled with the same political party for five years or upwards and who, at the time of marking an enrollment blank on any day provided in this chapter for the enrollment of voters, makes a mark in the circle beneath the emblem of a party other than the one with which he desired or intended to enroll, by inadvertence, may at any time after the completion of the enrollment in any year as provided in this chapter and prior to the ensuing first day of July, have his party affiliation changed upon the enrollment list by the custodian of primary records with whom such list is filed by striking out the name of the party with which he is thus wrongly described as being affiliated and inserting the name of the party with which he may declare that he is affiliated by making, subscribing and acknowledging before any officer authorized by law to take the acknowledgment of deeds for record in this state, and filing or causing to be filed with such custodian of primary records, a statement embodying a declaration in substantially the following form: "I, ....., do solemnly declare that I reside in

..... and am a duly qualified voter of the ..... election district of such city (assembly district, ward or town); that at one of the last preceding days for the enrollment of party voters in such election district I received an enrollment blank and made my mark in a circle under one of the party emblems thereon, but such marking was done inadvertently and indicated my enrollment with a party with which I was not then affiliated and with which I did not intend to enroll; and I therefore request that I be specially enrolled with the ..... party. I am in general sympathy with the principles of the ..... party. It is my intention to support generally at the next general election the nominees of such party. I have been duly and regularly enrolled with such party for at least five years prior to the enrollment at which such mistake occurred. I have not participated in any primary election or convention of any other party during such period of five years." If any of the enrollment lists for the preceding five years in the office of such custodian of primary records do not contain the name of such applicant, as an enrolled voter of the party named in the statement, the custodian of primary records shall require him to produce a transcript of so much of an enrollment list as relates to him, if any, from the office of the custodian of primary records of the city or county in which he may have been enrolled for such year or years, accompanied with proof by affidavit showing his identity with the person whose name appears in such transcript.

Upon the filing of such statement, and all other papers or certificates if required, the said custodian of primary records, if the records support the truth of the applicant's statement, shall cause the request contained in such statement to be complied with, by changing the entry relating to the applicant in the enrollment list to conform thereto and recording in the proper column thereof the reason therefor, including a memorandum briefly describing the papers filed in support thereof. [*Added by chap. 52, Laws of 1912.*]

#### **§ 14-b. Special enrollment upon becoming of age.**

Any voter who shall have become of age after the last preceding general election may at any time on or before the fourth Tuesday preceding an official primary in the year following such general election become specially enrolled with any party and have his name added to the original enrollment books of the election district in which he resides, in the manner following:

He shall make and acknowledge before an officer authorized to

take the proof or acknowledgment of deeds to be recorded, and file or cause to be filed with the custodian of primary records, a statement embodying a declaration in substantially the following form, the blanks being properly filled in:

"I, ....., do solemnly declare that I reside at (here insert residence address), and am a resident and duly qualified voter of the ..... election district of the ..... assembly district (or of the ..... ward of the city of ....., or of the town of ..... in the county of .....); that I became of age since the last preceding general election; that I am in general sympathy with the principles of the ..... party and it is my intention to support generally at the next general election, state or national, the nominees of such party for state or national offices; that I have not heretofore enrolled with or participated in the primary election of any party. I therefore request that I be specially enrolled with the ..... party.

The same party name shall be inserted by the voter in the two spaces provided therefor. A blank for such statement and application shall be provided by the custodian of primary records on demand to any person desiring to specially enroll under this section. The mailing of such statement and application from any point within the jurisdiction of such custodian, addressed to such custodian at his office, properly sealed with postage fully prepaid, on or before the day herein provided for filing the same, shall be a sufficient compliance with the requirements of this section.

Upon receiving such statement, the custodian of primary records shall enroll such voter with the said party of his choice in the original enrollment books for the proper election district, in the same manner as upon an enrollment blank deposited at one of the days of registration or on the day of general election; except that above the surname of such voter shall be written the word "Special" and above the Christian name the date of the filing or postmark of mailing of such statement and application. Voters specially enrolled hereunder shall be given by the custodian of primary records an enrollment number beginning, for the first voter thus specially enrolled, with the numeral following the highest number on the enrollment books of those enrolled in the election district at the preceding days of registration or general election. The custodian of primary records shall endorse the corresponding number on the statement of the voter to whom such number is given. All such statements and applications shall be public records and open to inspection and may be copied by any person.

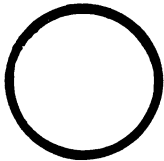
They shall be kept on file for one year from the day of the next ensuing official primary. [*As added by chap. 244, Laws of 1914.*]

**§ 15. Enrollment for a new political party.** Where an independent body has become a party at a general election, an enrollment of the members of such party shall be made in the manner herein prescribed. After the first day of January and not later than the second Tuesday of April in the year next succeeding that in which such independent body became a party, or in the year nineteen hundred thirteen not later than June first, the custodians of the primary records throughout the state shall cause to be mailed to all voters whose names appear upon the latest registration lists of their respective districts and who are not enrolled as members of any political party, at their respective post-office addresses, enrollment blanks printed on white paper, on the face of which shall be printed the following, or the substance thereof, the blanks to be filled in in type so far as possible:

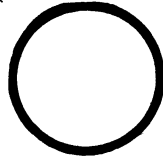
“Primary enrollment for year . . . . . city (or village or town) of . . . . .; county of . . . . .; . . . . . assembly district (or ward or town); . . . . . election district; enrollment number . . . . .; name of voter . . . . .”

I, the undersigned, do solemnly declare that I voted in the above election district at the general election held (insert date of last general election); that I still reside in said election district; and that my residence is at the address as given below; that I am in general sympathy with the principles of the party in the circle beneath the name and emblem of which I have made a cross X mark, and supported generally at the said general election the nominees of the said party, then an independent body; and that I have not enrolled with any other party since the first day of January (here insert the year in which the general election was held).

Party  
(Insert emblem)



Party  
(Insert emblem)



(Voter sign here) . . . . .

Residing at (The voter here inserts his residence)

“ Make a cross X mark in the circle under the emblem of the party with which you wish to enroll for the purpose of participating in its primary elections during the current year, and write your name and address in the blanks immediately under the circle or circles.”

The circles under the emblems shall be one inch in diameter and in them nothing shall be printed. The party emblem shall be the same as those which were on the official ballots for each independent body, respectively, to which this section is applicable; over such emblem shall be printed in type clearly legible the name of the party represented by such emblem. The enrollment blanks shall have thereon only the emblem of those parties which were independent bodies and became parties at the last preceding general election and shall have the following instruction printed across the top of the enrollment blanks: “ Fill out, sign, and return on or before the first Tuesday of June, nineteen hundred and (here insert the current year) to . . . (here insert the name or title of the custodian of primary records), at . . . (here insert the post office address, with street and number, if any, of the custodian of primary records).”

Each voter who shall have properly signed such an enrollment blank and shall have either mailed or delivered the same to the proper custodian of primary records on or before the first Tuesday of June, of the then current year, or in the year nineteen hundred thirteen on or before July first, shall be enrolled in his proper and designated party, subject to all the provisions of this chapter applying to enrollment books of party voters, and the custodian of primary records shall enter against the name of each voter in the appropriate column of the enrollment book for the election district in which such voter resides the name of the party with which such voter shall thus enroll. The postmark on any envelope containing such an enrollment blank shall be deemed conclusive proof of the date on which the same was mailed.

One additional copy of the said enrollment blank shall be furnished to each voter who applies therefor. Additional copies shall be furnished at the rate of twenty-five cents per hundred to any person.

The enrollment blanks as soon as received by the custodian of primary records from the voter shall be public records and shall be open to inspection and copying at any time by any person. They shall be kept on file for one year from the first Tuesday in June. [As amended by chap. 587, Laws of 1913.]

**§ 16. Duplicate enrollment books.** The custodian of primary records shall annually provide a true copy, duly certified, for the state superintendent of elections and for each party of so much of the said enrollment books as will give the names, addresses and political affiliation of each voter. The said custodian shall, in the month of February each year, deliver one such certified copy to the state superintendent of elections and the chairman of the proper county committee of each such party. Such certified copies shall conform in all respects to the form of the original enrollment books, or to the portion transcribed, as the case may be. The custodian of primary records shall certify to such chairman that each such copy is a correct transcript from the original enrollment book, made during the days of registration of voters for or at the preceding general election. [*As amended by chap. 820, Laws of 1913 and chap. 537, Laws of 1916.*]

**§ 17. Use of duplicate enrollment books at unofficial primaries.** At all unofficial primary elections of a party, the certified copy of the enrollment books shall be used, and no voter shall be allowed to take part in such primary election as a resident of an election district, unless his name is upon the certified copy of the enrollment book for that district, showing that he is enrolled with the party in whose primary election he seeks to participate.

**§ 18. Use of original enrollment books at official primaries.** The original enrollment books shall be used at all official primary election, and shall be delivered, as provided in this chapter, to the proper boards of election inspectors immediately before the opening of the polls on each official primary day, and shall be returned to the custodian of primary records forthwith, after the completion of the canvass of the votes. Such enrollment books shall go into effect on the first day of January following days of registration on which they are begun, and shall, with any additions or changes made as herein provided, remain in force until the first day of the following January, when they shall be superseded by the new enrollment books, as herein provided. [*As amended by chap. 244, Laws of 1914.*]

**§ 19. Right to enroll and vote at primaries.** No voter who has once enrolled in a political party shall be permitted to enroll in another political party before the first day of the next

registration. Only voters enrolled as provided in this article shall be entitled to participate in the official primary elections of their respective parties. No voter shall take part in any primary election of any party other than the party in which he shall at the time be enrolled.

**§ 19-a. Special enrollment after moving.** If, after being enrolled as a member of a party in one election district, by original enrollment, a voter shall move into another election district in the same assembly district, he may, at any time between the first day of February of any year and the thirtieth day before the annual primary day, become enrolled therein as a member of the same party by making an affidavit before any officer authorized by law to take the same and filing, or causing to be filed, with the custodian of primary records, such affidavit which shall specify the name of the party with which, and the election district in which he is enrolled, the street address from which said voter enrolled, if any, the election district into which he has moved and the street address of his residence therein, if any, and stating that he resides in the last mentioned election district, and desires to be enrolled therein as a member of such party. Except as hereinafter provided, upon the filing of such affidavit the custodian of primary records shall enroll the name of such voter in the original enrollment books for the proper election district, specifying the district from which he is transferred and his new residence address, and shall also make a minute, opposite the entry of his name in the original enrollment books of the election district from which he has removed, showing the election district to which his name is transferred. Provided, however, that in any city in which the registers of electors constitute also the enrollment books, as now or hereafter provided by law, such voter shall appear before the custodian of primary records and deliver such affidavit in person and answer such questions concerning facts affecting his identity as such custodian may deem necessary. Such custodian shall compare the signature, if any, of the voter on the affidavit with his signature on the register of electors. If the voter be unable to write, the custodian shall submit to him, in lieu of requiring his signature, the questions required for the identification statement where an applicant for registry is unable to write. In such city, if the enrollment of a voter be transferred and if he be able to write, he shall also sign his name in the appropriate column of the register for the district to which he is transferred. In any assembly district of the state, if such a

transfer be made, all entries relating to the enrollment of the voter on the original books, and relating both to registry and enrollment where the registers constitute the enrollment books, shall be transcribed in the books for the district to which he shall have moved. In any election district outside of such a city, the custodian of primary records may in his discretion in any case require the applicant to appear in person and answer such questions and, where personal registration is required, submit to such signature test as may be necessary to satisfy the custodian of his identity. Where an applicant for transfer is required either by the provisions of this section or by the custodian of primary records to appear in person, in any political subdivision of the state, such custodian shall not transfer the applicant's enrollment unless satisfied of his identity. Such transfer of enrollment shall be made but once during any year for which the original enrollment was made. Nothing contained in this section shall be deemed to qualify a person to vote at an official primary in the district to which his enrollment is transferred if he be not a resident of such district at the time of the primary and for thirty days theretofore, and he shall be subject to challenge as provided in section seventy-two. [Added by chap. 537, Laws of 1916.]

**§ 20. New or amended enrollment books for changed districts.** If in the interval between the days of registration and the day of the fall primary in the succeeding year, a new election district shall be created, or the boundaries of an election district shall be changed, and such change or the creation of such new district is to take effect within such interval, the custodian of primary records shall immediately prepare new enrollment books for such district from the enrollment books of the districts covering any part of the same territory, which new enrollment books shall be given the proper descriptive number of the assembly district or ward, or designation of the town, and the descriptive number of the election district, within which they are to be used but shall in other respects be in the same form and exhibit the same facts as the enrollment books then in force in the territory comprised within such new or changed district and shall contain the names of all the voters, as shown by the enrollment books then in force in such territory, who are the enrolled voters of the respective political parties within, and who are shown by such books to be residents of such new or changed election district. If an election district, whose boundaries are not changed, be given a new number or become included in a different assem-

bly district, ward or town, within such interval, such custodian, before the next official primary at which the enrollment books for such new or changed election district may be used, shall appropriately change the descriptive number on such books of the assembly district, ward and election district, or the designation of the town, as the case may be. The certificate of such custodian to the effect that such new or changed books are true and correct and in conformity with this section shall be attached thereto. New enrollment books, prepared pursuant to this section, shall supersede the enrollment books then in force in such territory until a new enrollment therein takes effect under the other provisions of this article, and the custodian of primary records shall be charged with the same duties concerning the same, including the preparation of duplicate sets thereof or transcripts therefrom, as are provided in this article with respect to books containing enrollments begun on the days of registration. This section shall not be construed to authorize any person to vote in such new or changed districts if he shall have ceased to reside in the territory thereof at the time of the preparation of such new books therefor or at the time he offers his vote at an official primary therein. [Added by chap. 537, Laws of 1916.]

**§ 21. Enrollment books to be public records; transcripts of enrollment.** The enrollment books herein provided for and any declarations filed on enrollment shall be public records, and shall be open to inspection and copying at any time and by any person, except for the period during which they are required to remain sealed as herein provided. It shall be the duty of the custodian of primary records to certify to the correctness of any transcript of such enrollment books, or of any part thereof, on the payment of one cent for every twenty names contained in the transcript. Wherever the custodian of primary records is a salaried officer, the fees received by him for certifying such transcripts shall be paid into the public treasury. Such a certified transcript, containing the name and showing the enrollment of any voter, shall be sufficient evidence of such enrollment. The custodian of primary records shall give to any voter enrolled as in this article provided, a certificate of enrollment, which shall specify the name of the party with which he is enrolled, the date of enrollment and the election district in which such voter is enrolled. Declarations and enrollment blanks filed by voters shall be public records and shall be kept on file until one year thereafter. No person shall be required to enroll, nor shall his failure

to do so affect his right to register for the purpose of voting at any election. [*As amended by chap. 820, Laws of 1913.*]

**§ 22. Publication of enrollment.** The board of elections of every city of the first class containing within its boundaries more than one county shall and the board of elections of any county containing a city of the first or second class and when authorized by the board of supervisors the board of elections in any other county may, in its discretion, cause to be published, for each assembly district, within a county over which such board has jurisdiction in pamphlet form, and at public expense a transcript of the enrollment books of each election district in the assembly district, omitting all entries except the names, the residence addresses, and the party, if any, recorded opposite the respective names. Where an independent body shall hereafter become a party at a general election held after the enrollment, of which the lists may have been published under the provisions of this section, by the board of elections, a transcript of all entries upon the enrollment books added thereto under the provisions of section fifteen relating to enrolled voters of such new party, shall be published in the manner hereinabove provided between the first Tuesday in June and the first Tuesday in July of the year in which an enrollment is had of the members of such new party omitting all entries upon such enrollment excepting the names of those enrolled with the new party, the residence addresses and the name of the party recorded opposite each name; provided, however, that if not more than one new party shall have been thus created, the name of the party to which such transcript relates may be placed at the head of the list and need not be repeated opposite each name. The board of elections shall provide all such transcripts for publication. [*As amended by chap. 244, Laws of 1914.*]

**§ 23. Judicial review of enrollment.** If any statement in the declaration of any person, on the evidence of which his name was enrolled in the original enrollment books for any election district by the custodian of primary records, or if any entry opposite the name of any person in such enrollment books is false, or if any person enrolled in such enrollment books has died, or has removed from or no longer resides in such election district, any voter of the assembly district in which such election district is located (provided such voter is himself duly enrolled with the

same political party with which the person, as to whom the application is made, was enrolled) may present proof thereof by affidavit to the supreme court, or to any justice thereof, in the judicial district, or to a county judge of the county, in which such election district is located. And thereupon such court, justice or judge shall make an order requiring the person against or as to whom the proceeding is instituted, unless he is shown to have died, as hereinafter provided, to show cause before such court, justice or judge, at time and place specified in such order, why his name should not be stricken from such enrollment book. Such order shall be returnable on a day at least ten days before a primary election, and a copy thereof shall be served on the person against whom the proceeding is instituted and on the custodian of primary records at least forty-eight hours before the return thereof, either personally or by depositing the same in the post-office of the city in which such election district is located, in a postpaid wrapper or envelope addressed to the custodian of primary records at his office, and to such person by his name at his present address, if known, and otherwise at the address which appears in the enrollment books for such election district. If the person as to whose name the application is made is claimed to be dead, the order to show cause hereinabove provided for shall be directed to the custodian of primary records, and service thereof need only be made upon such custodian of primary records, such service to be made in the manner heretofore in this section specified; but an order requiring the custodian of primary records to show cause why the name of a person claimed to be dead should not be stricken from the enrollment books shall not be made unless the affidavit presented to the court, justice or judge by the voter instituting the proceeding shall state that such voter has personal knowledge of the death of the person with respect to whose name the application is made and unless such affidavit is substantiated either by a certificate of the health department or by other competent evidence of such death. The custodian of primary records shall produce before the court, justice or judge, the original enrollment declaration subscribed by the person against or as to whom the proceeding is instituted. The court, justice or judge shall hear the persons interested, and if it appears by sufficient evidence that any statement in the declaration of the person against whom the proceeding is instituted, on the evidence of which he was enrolled by the custodian of primary records, or any statement opposite his name in the original enrollment books,

is false, or that such person is dead or has removed from or no longer resides in the election district for which he is enrolled, shall order the name of such person stricken from the enrollment books, except as hereinafter provided. If at such hearing the person against whom the proceeding is instituted shall produce evidence that the custodian of primary records has incorrectly copied into the enrollment books the data contained in the declaration of such person, and that if correctly copied such person would be entitled to be enrolled in such election district, such order, instead of requiring his name to be stricken from the enrollment books, shall require the correction of the enrollment books in accordance with such evidence. In either case the order shall require the custodian of primary records to strike such name from the enrollment books, or to otherwise correct such enrollment books in accordance with such order. Upon the correction of such enrollment books in accordance with such order, the custodian of primary records shall certify such correction to the chairman of the general committee of each party to whom a duplicate set of enrollment books has been delivered in pursuance of section sixteen of this chapter.

**§ 24. Correction of enrollment with respect to persons not in sympathy with party.** If any person is not in sympathy with the principles of the political party with which such person is enrolled, any voter of the assembly district in which such election district is located (provided such voter is himself duly enrolled with the same political party with which the person as to whom the application is made was enrolled) may present proof thereof by affidavit to the chairman of the county general committee of the political party with which the voter enrolled, and the chairman of such county general committee shall issue a notice requiring the person against or as to whom the proceeding is instituted to show cause before such chairman of the county general committee, or a subcommittee appointed by such chairman, at a time and place specified in such notice why his name should not be stricken from such enrollment books. Such notice shall be returnable on a day at least fifteen days before a primary election, and a copy of the affidavit shall be served on the person against whom the proceeding is instituted and on the custodian of primary records at least forty-eight hours before the return thereof, either personally or by depositing the same in the post-office of the city in which such election district is located, in a

postpaid wrapper or envelope addressed to the custodian of primary records at his office, and to such person by his name at his present address, if known, and otherwise at the address which appears in the enrollment books for such election district. The chairman of such committee shall in his discretion personally hear the persons interested in the proceeding or appoint a subcommittee to take testimony, and in such event the action of the subcommittee shall not be final unless approved of by the chairman of such county general committee, and if it appears by sufficient evidence that such person is not in sympathy with the principles of the political party with which such person enrolled, the chairman of the county general committee shall cause to be filed a certificate with the board of elections or with the custodian of primary records setting forth reasons why the name of such person shall be stricken from the enrollment books, together with a record of the proceedings had in the matter. It shall be the duty of the board of elections or the custodian of primary records to make application to the supreme court or to any justice thereof in the judicial district, or to a county judge of the county, in which such election district is located, for an order requiring the person against or as to whom the proceeding is instituted to show cause before such court, justice or judge, at a time and place specified in such order, why the decision of the chairman of such county general committee should not be confirmed. Such order shall be returnable on a day at least five days before a primary election, and a copy thereof shall be served on the person against whom the proceeding is instituted at least forty-eight hours before the return thereof in the manner hereinbefore provided. The said court, justice or judge shall have power to examine fully into the proceedings taken before such chairman or subcommittee and to receive affidavits or other evidence as to the manner in which such proceedings were conducted, and shall determine whether or not said proceeding was fairly conducted and the finding made therein was made upon sufficient grounds upon the merits, and he may approve or disapprove such finding as shall seem to him to be required to do substantial justice to the party against whom the proceeding was instituted and without regard to technical requirements. The court, justice or judge upon approving of the finding of the chairman of such county general committee shall issue an order to the board of elections or to the custodian of primary records requiring the name of the voter to be stricken from the enrollment books.

**§ 25. Investigation of enrollment.** Whenever the state superintendent of elections shall require, it shall be the duty of the chief of police and of every captain, in every city of the state to forthwith cause an investigation of each name enrolled in his precinct to be made and to report to the state superintendent of elections, at his office, in such city or at such other office as the state superintendent of elections may in writing designate any case of false enrollment there found. It shall be the duty of the board of elections of the county or of such city to furnish to the chief of police and police captain a printed or typewritten list of the enrolled voters of such city and afford necessary facilities, including clerical assistance, to either such chief of police or police captain, to transcribe the whole or any part of the enrollment list, in aid of the duty of investigation imposed on him under the provisions of this section. [*Added by Chap. 537, Laws of 1916.*]

## **1 ARTICLE 3**

### **Party Organization**

**2Section 35. Party committees.**

36. State committee.

37. County committee.

38. Election of members of state and county committees.

39. Formation of committees other than state or county committees.

40. Organization and rules of committees.

41. Review of election of committees.

42. Removal of member of committee.

43. Vacancies in state or county committees.

**§ 35. Party committees.** Party committees shall consist of a state committee, county committees, and such other committees as the rules and regulations of the party may provide. [*As amended by chap. 820, Laws of 1913.*]

**§ 36. State committee.** The state committee of each party shall be constituted by the election from each assembly district of one member who shall be an enrolled voter of the party within said district. Each member of a state committee shall be entitled to one vote.

<sup>1</sup> Entire article amended by chap. 891, Laws of 1911.

<sup>2</sup> Schedule of section headings amended by chap. 820, Laws of 1913.

In case of the death, declination, disqualification, removal from district, or removal from office of a member of a state committee or the failure to elect a member as by reason of a tie vote, the vacancy in such state committee caused thereby shall be filled by the remaining members of such state committee as provided in section forty-three of this chapter.

In the event of a change of the boundaries or designation of assembly districts after the election of members to such state committee, members thereof shall represent for the balance of their term, the district in which they reside, provided there is only one such member resident in such district. If no member, or more than one member, be resident in such district so changed, a vacancy from such district shall be deemed to exist which shall at a meeting, of which every member shall have three days' notice by mail from the chairman of the county committee, be filled by the members of the county committee residing in such assembly district until the next official primary election, at which time such vacancies shall be filled by election in the manner provided in this chapter for the balance of such term. [*As amended by chap. 4, Laws of 1912, chap. 820, Laws of 1913, and chap. 537, Laws of 1916.*]

**§ 37. County committee.** The county committee of each party shall be constituted by the election in each election district within such county of at least one member, and of such additional members as the rules and regulations of the party may provide for such district, proportional to the party vote in the district for governor at the last preceding gubernatorial election, or in case the boundaries of such district have been changed or a new district has been created since the last preceding gubernatorial election, proportionate to the party vote cast for member of assembly at the last preceding general election; or, if no additional members are required by the rules, the voting power of each member shall be in proportion to such vote. Each member of a county committee shall be an enrolled voter of the party residing in the assembly district containing the election district in which he is elected. Each member of a county committee shall be entitled to one vote.

In case of the death, declination, disqualification, removal from district or removal from office of a member of the county committee, or the failure to elect a member, as by reason of a tie vote, the vacancy in such county committee caused thereby shall be filled by the remaining members of such county committee as

provided in section forty-three of this chapter. [*As added by chap. 820, Laws of 1913 and amended by chap. 104, Laws of 1916.*]

**§ 38. Election of members of state and county committees.** Members of the state and county committees shall be elected at official primary elections as herein provided for. Members of the state committee shall be elected biennially in each even numbered year. Members of county committees shall be elected annually.

Members of both committees shall be elected at fall primaries, except that in a year when a president of the United States is to be elected, such members of committees shall be elected at the spring primary. The members of either committee shall hold office until the election of their successors. [*As amended by chap. 4, Laws of 1912, and chap. 820, Laws of 1913.*]

**§ 39. Formation of committees other than state or county committees.** All committees other than state and county committees shall be formed in the manner provided for by the rules and regulations of the party. [*As added by chap. 820, Laws of 1913.*]

**§ 40. Organization and rules of committees.** Every state and county committee, shall within fifteen days after their election meet and organize by the election of a chairman, treasurer and secretary, and such other officers as its rules may provide, and within three days thereafter file with the secretary of state and the board of elections of the county a certificate stating the names and post-office addresses of such officers.

Each committee may prepare rules and regulations for the government of the party and the conduct of the official primaries within its political subdivision, which may include the payment of dues. Within three days after the adoption of such rules and regulations a certified copy of the same shall be prepared and filed by the secretary with the custodian of primary records for the political subdivision for which such committee is to serve. Such rules shall continue to be the rules and regulations for the committee until they are amended or new rules adopted. Such rules and regulations may be amended from time to time by majority vote of the committee upon the following notice:

A copy of the proposed amendment shall be sent with the notice of the meeting at which such amendments are to be proposed, such

notice to be not less than five days before such meeting, and to be mailed at the post-office address of each member of the committee. Until the adoption of such rules and regulations, the rules and regulations of the existing committee, so far as consistent with this chapter, shall continue to be the rules and regulations of the party for that political subdivision. [As amended by chap. 820, Laws of 1913, and chap. 537, Laws of 1916.]

**§ 41. Review of election of committees.** The election of members to any party committee may be reviewed by summary proceedings before the supreme court or a justice thereof, as provided for in section fifty-six of this act, upon the petition of any person qualified to vote at the primary election of the party which such committee represents. [As amended by chap. 4, Laws of 1912, and chap. 820, Laws of 1913.]

**§ 42. Removal of member of committee.** A member of a party committee may be removed by such committee, for disloyalty to the party or corruption in office, after notice and a hearing upon written charges, to be heard by the committee or a subcommittee thereof appointed for that purpose, which shall report its findings to the full committee. The action of any committee in removing a member thereof as herein provided for may be reviewed in a summary proceeding before the supreme court or by a justice thereof, upon a petition of the person so removed. [As amended by chap. 820, Laws of 1913.]

**§ 43. Vacancies in state or county committees.** Except as otherwise provided in this article, where a vacancy occurs in any state or county committee, such vacancy shall be filled by the remaining members of said committee by the selection of an enrolled voter of the party qualified for election from the unit of representation as to which said vacancy shall have occurred. [As added by chap. 820, Laws of 1913, and chap. 537, Laws of 1916.]

## **ARTICLE 4**

### **Party Nominations and Designations**

<sup>2</sup>Section 45. Direct nomination of candidates for public office.  
46. Designations; how made.

<sup>1</sup> Entire article amended by chap. 891, Laws of 1911.

<sup>2</sup> Schedule of section headings and title amended by chap. 820, Laws of 1913.

- Section 48. Designations by petition.
49. Filing of designations.
50. Declination by person designated.
51. Certification by secretary of state.
52. Vacancies in designations, how filled.
53. Delegates to national party conventions.
54. Presidential electors.
55. Existing state and county committees continued.
- 55-a. Objections to designating petitions.
56. Contests; judicial review.
58. Official primary ballot.

**§ 45. Direct nomination of candidates for public office.** Party nominations for all offices to be filled at a general election, except town, village and school district offices and electors of the president and vice-president of the United States, shall be made at the fall primary next preceding such general election by the enrolled voters of the party as in this chapter provided. Nominations of party candidates for town, village and school district offices shall be made in the manner prescribed by the rules and regulations of the county committee of the county wherein such town, village or school district is located. Nominations of party candidates for city offices to be filled at an election held at a different time from the general election shall be made directly at unofficial primaries by enrolled party voters.

Nothing contained in this chapter shall prevent a party from holding party conventions, to be constituted in such manner, and to have such powers in relation to formulating party platforms and policies and the transaction of business relating to party affairs, as the rules and regulations of the party may provide, not inconsistent with the provisions of this chapter. Delegates to any such convention and members of party committees, other than members of state and county committees, shall not be chosen at official primaries or otherwise at public expense. [*As added by chap. 891, Laws of 1911, and amended by chap. 820, Laws of 1913, and chap. 5, Laws of 1914.*]

**§ 46. Designations; how made.** Designations of candidates for party nominations or for election to party positions shall be by petition only, in the manner provided by this chapter. [*As added by chap. 820, Laws of 1913.*]

**§ 48. Designation by petition.** 1. Every petition for the designation of a candidate for party nomination or for election to a party position shall be in substantially the following form:

I, the undersigned, do hereby certify that I am a duly enrolled voter of the ..... party, as hereinbelow specified, and entitled to vote at the next primary election of said party, that my place of residence is truly stated opposite my signature hereto, and I do hereby designate the following named person, or persons, as a candidate, or candidates, for nomination by the ..... party for public office, or offices, or as a candidate or candidates for election to the position or positions, of the said party to be voted for at the official primary election to be held on the ..... day of ....., A. D., ....., as hereinafter specified, and it is my intention to support at the ensuing primary the candidacy of the person or persons and each of them herein designated by me.

	Public office or party position.	Place of residence.
Name of candidate.		
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

I do hereby appoint (here insert the names and addresses of at least three persons) as a committee to fill vacancies in accordance with the provisions of the election law.

In witness whereof, I have hereunto set my hand the day and year placed opposite my signature.

Date.	Name of signer.	Residence.	Election district, town or ward.
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

STATE OF NEW YORK, }  
COUNTY OF ..... } ss.:

On this ..... day of ....., in the year ....., before me personally came (here shall be inserted the names of each and every voter appearing and making oath before the said officer) each of whom was to me personally known and known

by me to be the voter whose name and place of residence is subscribed by him to the foregoing certificate and each of the foregoing voters being by me duly and severally sworn did make oath that he is a voter and has truly stated his residence, and that it is his intention to support at the polls the candidacy of the person or persons designated for nomination for public office in the foregoing certificate of designation, if the same are nominated.

(Signature and official title.)

2. Any signature to a designating petition for the primary may as an alternative be authenticated by a qualified witness in the same manner as in the case of a nominating certificate for the election, as provided in section one hundred and twenty-three of the election law, the forms and procedure being changed to apply to the primary instead of the election, and with like penalty for any false affidavit, certificate or statement by any person. No signature to a designating petition shall be counted unless authenticated either by acknowledgment or by a witness as aforesaid.

3. A petition for the designation of candidates for party nomination or for election to party position may designate candidates for nomination for one or more public offices, or for election to one or more party positions, or both.

4. Petitions for the designation of candidates for party nominations or for the election of candidates for party positions or both shall be signed by enrolled voters resident within the political subdivision or unit of representation for which the nomination or election is to be made to a number equivalent to not less than three per centum of the total number of enrolled voters of the party residing within said political subdivision or unit of representation, as determined by the last preceding enrollment, provided, however, that for the following officers the number of signatures need in no case exceed the following fixed limits:

For the office of United States senator or for any office to be filled by all the voters of the state, three thousand signatures;

For the office of justice of the supreme court, judge of the court of general sessions in the city of New York, and judge of the city court of the city of New York, fifteen hundred signatures;

For any office to be filled by all the voters of a city containing more than a million inhabitants, fifteen hundred signatures;

For any office to be filled by all the voters of any other city of the first class or of any county or borough containing more than two hundred and fifty thousand inhabitants, according to the last preceding federal or state enumeration, one thousand signatures;

For any office to be filled by all the voters of any county or borough containing more than twenty-five thousand and not over two hundred and fifty thousand inhabitants according to the last preceding federal or state enumeration, or of any city of the second class, or of any congressional or senatorial district, five hundred signatures;

For any office to be filled by all the voters of any other county or of any city of the third class or of any assembly district, two hundred and fifty signatures.

For any office to be filled by the voters of any political subdivision contained within another political subdivision, not to exceed the number of signatures required for such larger subdivision; and for any office to be filled by the voters of a subdivision containing more than one assembly district, county or other political subdivision, not to exceed the aggregate of the signatures required for the subdivisions or parts of subdivisions so contained.

5. All papers signed and verified in the manner and form above prescribed for the purpose of designating the same candidate for nomination for the same public office or the same party position shall, when bound together and offered for filing as provided in this chapter, be deemed to constitute one petition with respect to said candidate.

No enrolled voter shall join in designating a greater number of candidates for party nomination for a public office or for election to a party position than the number of persons to be elected thereto. Where an enrolled voter shall sign any petition or petitions designating a greater number of candidates than he is permitted to designate as aforesaid his signatures, if they bear the same date, shall not be counted, and if they bear different dates they shall be counted in the order of their priority of date and only so far as he was entitled to make designations. [*As amended by chap. 820, Laws of 1913, chap. 678, Laws of 1915, and chap. 537, Laws of 1916.*]

**§ 49. Filing of designations.** 1. Where to be filed. All designations of candidates for offices and for election to party positions shall be filed with the officer with whom independent certificates of nomination for such office or offices are required by this chapter to be filed. All designations filed in accordance with the provisions of this section or certified copies thereof shall forthwith be conspicuously posted by the secretary of state or custodian

of primary records in his office, and shall remain so posted until primary day, and shall be open to inspection as public records at all reasonable hours; and each such officer shall provide ample and sufficient facilities for keeping and posting said records and for making copies of the same. Forthwith upon the filing of a petition designating a person for nomination to public office, the board or officer with whom the same is filed shall mail notice thereof to each person named as a candidate for nomination to such office in such petition.

2. When to be filed. All designations shall be filed not earlier than the fifth Tuesday and not later than the fourth Tuesday preceding the primary at which the candidates therein designated are to be voted for. All designations shall at the time of the filing thereof be stamped or indorsed by the secretary of state, or the custodian of primary records, as the case may be, with the day, hour and minute of such filing. [*As added by chap. 891, Laws of 1911, and amended by chap. 820, Laws of 1913, chap. 244, Laws of 1914, and chap. 537, Laws of 1916.*]

**§ 50. Declination by person designated.** The name of a person designated as a candidate for nomination or for party position shall not be printed on the official ballot if he notifies the officer with whom the original certificate of his designation is filed in a writing signed and duly acknowledged by him that he declines the designation. Such declination, to be effective, must be filed within six days after the third Tuesday preceding the ensuing primary. The officer with whom such declination is filed shall forthwith inform by mail or otherwise the committee authorized to fill vacancies in designations, and if such declination be filed with the secretary of state, such officer shall also give immediate notice by mail or otherwise of such declination to the several custodians of primary records for the election districts affected by such declination. The vacancy created by such declination shall be filled not later than the second Tuesday preceding the primary election.

If a candidate designated for nomination does not decline the designation within the time hereinbefore mentioned, and he is thereafter nominated at the official primary election, his name shall be printed on the official ballot as the candidate of the party or body holding the primary, and he shall not be permitted to decline such nomination. [*As added by chap. 891, Laws of 1911, and amended by chap. 820, Laws of 1913, and chap. 244, Laws of 1914.*]

**§ 51. Certification by secretary of state.** The secretary of state shall not later than the second Thursday before an official primary election, except a primary election held to nominate candidates to be voted for at a special election, prepare and transmit to the several custodians of primary records within the political subdivisions where the candidates, designations of whom have been duly filed with him are to be voted for, a certificate setting forth the names and residences of such candidates and the titles of the offices for which they are named, and the name of the party upon whose primary ballot their names are to be placed, and the order in which such candidates' names are to be printed under the title of an office or party position, and the order of groups of candidates for the same position, if any. [*As added by chap. 891, Laws of 1911, and amended by chap. 820, Laws of 1913, and chap. 244, Laws of 1914.*]

**§ 52. Vacancies in designations, how filled.** If a candidate regularly designated for election to party position, or for a party nomination for public office, declines a designation or dies before the primary day, or is found to be disqualified to hold the office or position for which he has been designated, the committee to fill vacancies, if any, which may be appointed by the signers and shown upon the face of the petition of designation, may make a new designation, to fill the vacancy so created, by making and filing with the officer with whom the original designation was filed a certificate setting forth the cause of the vacancy, the name of the person designated by them, the name of the original candidate, and the name of the party for whose primary the original designation was made. Such certificate shall be subscribed and acknowledged by a majority of the members of the committee to fill vacancies, who shall severally make oath that the matters therein stated are true, to the best of their knowledge and belief, and when so filed such certificate shall have the same force and effect as the original designating petition. In case such certificate shall be filed with the secretary of state, he shall forthwith certify to the proper custodian, or custodians, of primary records the name of the person designated by such certificate and such other facts as are required to be stated therein. In case the certificate of the secretary of state shall be received by a custodian of judicial records, or an original certificate of designation as in such provision provided for shall be filed with him, after the office proceedings have been printed and before primary day, it shall be forwarded to prepare and furnish to the inspectors of election places where

tion district affected adhesive pasters containing the name of the candidate designated to fill the vacancy with directions for the proper use thereof. The pasters shall be of plain white paper, printed in plain black ink and in the same kind of type used in printing the names of the candidates upon the official ballots, and shall be of a size as large as and no longer than the space occupied upon the official ballot by the name of the candidate in whose place the candidate named upon the paster has been designated. Whenever such pasters are provided, the officer or board furnishing them shall certify, to the inspectors of election in the election districts affected by the vacancy, the name of the person originally designated, the name of the person designated in the new certificate, the title of the office or party position for which the designation is made, the name of the political party to which the committee making the designation belongs, and shall state the number of pasters furnished, which number shall be equal to the number of official ballots furnished for each such district. Upon the delivery of said pasters the inspectors of election shall sign and receipt for the same, which receipt shall be retained by the officer or board furnishing the pasters, and shall be part of the record of his or their office. The inspectors shall affix one of such pasters in the proper place and in a proper manner upon each official ballot before such ballot shall be delivered to a voter. When so affixed to an official ballot the paster shall be a part of the official ballot. The inspectors shall include in their statement of ballots a statement showing the number of pasters received by them, the number of pasters affixed to official ballots and the number of unused pasters returned by them, the unused pasters to be inclosed in the package of ballots not delivered to voters. The use of any paster upon the official ballot otherwise than as herein provided is hereby prohibited. *[As amended by chap. 820, Laws of 1913.]*

**§ 53. Delegates to national party conventions.** The rules and regulation of each political party, may prescribe that the delegates and alternates to a national convention of that party shall be elected from congressional districts, or partly from the state at large, and partly from congressional districts but such rules shall provide for the election of more than four delegates and four or bodies from the state at large. *decline such year when a president of the United States is to be and amended.* Delegates and alternates-at-large, and district delegates and of 1914.] to national party conventions shall be elected at the

spring primary. Candidates for the position of delegates and alternates-at-large to said conventions shall be designated in the same manner as prescribed by this chapter for the designation of candidates for party nominations for offices to be filled by the voters of the entire state, and district delegates and alternates to said convention shall be designated in the same manner as prescribed by this chapter for the designation of candidates for party nominations for the office of representative in congress; save that the time for filing designations as hereinbefore prescribed shall be computed with respect to the spring primary instead of the fall primary. [*As amended by chap. 4, Laws of 1912, and chap. 820, Laws of 1913.*]

**§ 54. Presidential electors.** In each year when a president of the United States is to be elected, candidates for the office of elector for president and vice-president of the United States shall be nominated by the state committee of each of the parties to which this act applies, one for each congressional district, and two at large. The candidates so nominated shall be certified to the secretary of state in the same manner as party nominations for state offices.

**§ 55. Existing state and county committees continued.** Party state and county committees now existing shall continue until their successors are elected as provided for in this act. [*As amended by chap. 4, Laws of 1912, and chaps. 587 and 820, Laws of 1913.*]

**§ 55-a. Objections to designating petitions.** A written objection to any petition for the designation of a candidate for party nomination or for election to party position may be filed with the board or officer with whom the original petition is filed within three days after the filing of such petition. If such objection be filed, notice thereof shall be given forthwith by mail to the committee, if any, appointed on the face of such petition for the purpose specified in sections forty-eight and fifty-two of this chapter, and also to each candidate designated by such petition. The questions raised by such written objection shall be heard and determined as prescribed in section one hundred and twenty-five of this chapter. The supreme court, at special term, in any judicial district in which two or more proceedings are pending in such district under the provisions of this section may, by order, consolidate all such proceedings and provide that further proceedings therein be had before such court at special term, in all cases where

the question or questions involved are identical. If one or more of such proceedings be pending before a justice or county judge, notice of such order shall be forthwith given to such justice or judge. [*As added by chap. 820, Laws of 1913, and amended by chap. 244, Laws of 1914.*]

**§ 56. Contests; judicial review.** Any action or neglect of the officers or members of a political convention or committee, or of any inspector of primary election, or of any public officer or board with regard to the right of any person to participate in a primary election, convention or committee, or to enroll with any party, or with regard to any right given to or duty prescribed for; any voter, political committee, political convention, officer or board, by this article, shall be reviewable by summary proceedings upon the petition of any person aggrieved thereby, or upon a petition presented by the chairman of any political committee, which summary proceedings may be instituted before the supreme court or a justice thereof within the judicial district where the transaction, act or neglect of duty took place. Such proceedings shall be heard upon such notice as the court or justice thereof shall direct. In reviewing such action or neglect, the court, justice or judge shall consider, but need not be controlled by, any action or determination of the regularly constituted party authorities upon the questions arising in reference thereto, and shall make such decision and order as, under all the facts and circumstances of the case, justice may require. For the purposes of this section, service of any notice or order or other process of the court or justice thereof upon the chairman or secretary of a committee or board whose action is sought to be reviewed or directed shall be sufficient. The action of any custodian of primary records in canvassing and certifying the result of any primary election, or of the secretary of state in preparing and certifying the list of members of a state committee, may be reviewed in like manner by the supreme court, or a justice thereof, which by order may make any change in the result of such primary election as certified to by the custodian of primary records, or any change or alteration in the list of members of a state committee prepared by the secretary of state, as justice may require. The change or alteration so made, if the result is as to the nomination of a candidate for an elective office, the name of the person so adjudged to have been duly nominated in accordance with the provisions of this chapter at such primary for such elective office shall be

placed upon the official ballot as the candidate for the party holding such primary. Proceedings taken under this article shall have precedence and priority over all other actions and proceedings in the supreme court or before a justice thereof. The court, or a justice thereof, upon such proceeding, shall have the right to subpoena and examine witnesses, or in its discretion to hear and determine the case upon affidavits. In case the court or a justice thereof should find and determine that both parties to the controversy had been guilty of frauds or that the primary has been so permeated by fraud as to render it impossible for him to determine the true result of such primary and who was elected thereat, such court or justice shall have the right to direct the holding of a new primary at the same place and in the same manner as the regular official primary. The court, or justice thereof, in case of ordering a new primary, may include in such order directions for the canvassing of the vote of such new primary. [*As amended by chap. 820, Laws of 1913.*]

**§ 58. Official primary ballot.** There shall be prepared, printed and supplied in the manner hereinafter provided, for use at official primary elections, official primary ballots, and except as otherwise expressly provided in this chapter, no other ballot shall be used at an official primary election.

No names of candidates for any nomination to public office or election to a party position shall be printed upon the official primary ballot, except upon designation duly made as prescribed in this chapter; nor shall any names, words, or signs, or writing whatever be printed, written, stamped or in any manner placed upon an official primary ballot except as herein provided.

The official primary ballots shall conform in quality, weight, and style of printing, to the ballots prescribed in this chapter for use at the general election, excepting that the title of the party position or office shall be printed in a space three-eighths of an inch in depth, and the name of the candidate therefor shall be printed in a space one-fourth of an inch in depth, instead of one-half inch. The ballots of no two parties shall be of the same color. The secretary of state shall designate the color of ballots for each party. The ballot shall be printed upon the same leaf with the stub and separated therefrom by a perforated line. The part above the perforated line, designated as the stub, shall extend the entire width of the ballot, and shall be of sufficient depth to allow the following instructions to voters to be printed on the face

thereof in type known as brevier, with the word "Instructions" in larger type above:

"This ballot must be marked with a pencil having black lead. To vote for any candidate whose name is printed on this ballot make a cross X mark in the voting space at the left of the name. To vote for any person whose name is not printed on this ballot write the name of such person in the blank space provided for that purpose under the title of the public office or party position to which you wish him nominated or elected. Any other mark than the cross X mark used for the purpose of voting, or any erasure made on this ballot, makes it void, and it cannot be counted as a vote for any candidate. If you tear or deface or wrongly mark this ballot, return it and obtain another, but only one additional ballot may be thus obtained."

Upon the face of the ballot and directly below the perforated line shall be printed the following: "Official ballot for the primary election of the (name of party) party," the name of the county and town or city; the date on which such primary is held; the party emblem; the assembly district number, number of the ward (in any city divided into wards), and the election district number, directly below which shall be printed a heavy black horizontal line.

The face of the ballot below the perforated line shall be divided into two parts by a heavy black vertical line one-fourth of an inch in width. Immediately below the perforated line in the center of the space at the left of said vertical line shall be printed the caption "Candidates for nomination for public office." Under said caption the names of candidates for nomination for public office shall be printed under the titles of the respective offices for which they are candidates respectively, in capital letters in black-faced type not less than one-eighth nor more than three-sixteenths of an inch in height, so that the names of all candidates for nomination for an office shall be printed under the title of said office, and so that the said offices shall appear in the same consecutive order in which they appear upon the official ballot for the general election. Immediately below the title of each public office shall be printed in brevier lower case type a direction to the voters as to the number of persons to be voted for, in the following words: "Vote for ..... " (the blank space being filled with the number of persons to be nominated for said office at the official primary election). Immediately below this division and separated therefrom by a horizontal line shall be printed the name

or names of candidates duly designated for such office. The order in which the names of candidates shall appear under the title of an office shall be determined by the board or officer with whom designations are filed by lot in the presence of the candidates or their representatives, if present, and other persons required to be notified. At least two days' notice by mail shall be given to all candidates whose names appear on designating petitions and to the members of the committees, if any, appointed by such petitions, of the time and place of such determination, except that when any such designation petition is filed with the board of elections of the city of New York such notice shall be given only to the members of the committee, if any, appointed by such petition.

If a vacancy be filled after the position of such names has been determined, the name of the newly designated candidate shall be printed in the order determined for the candidate whose designation was made vacant.

Immediately below the names of all the candidates in the case of each public office there shall be left a blank space or blank spaces equal in number to the number of candidates to be nominated for said office. The voter at the official primary election may write in such blank space or spaces the name of any person or persons for whom he desires to vote whose name or names are not printed upon the ballot. Voting spaces shall be provided at the left of each column opposite the names of candidates in the same manner as provided for on the official ballot for the general election.

Immediately below the said perforated line and in the space at the right of said vertical line shall be printed the caption "Candidates for party positions." Under said caption the names of candidates for election to party positions shall be printed under the titles of the respective party positions for which they are candidates respectively, so that the names of all candidates for a party position shall be printed under the title of said position, and so that the said party positions shall appear in the following order: member of state committee; member (or members) of county committee.

At the spring primary, in a presidential year, such heavy vertical dividing line shall be omitted, and under the caption "Candidates for party positions" the titles of such positions shall be printed in the following order: delegates and alternates at large to a national convention; district delegates and alternates to a national convention; member of state committee; member (or members) of county committee.

Immediately below the title of each of said party positions shall be printed in brier lower case type a direction to voters as to the number of persons to be voted for, in the following words: "Vote for . . . . . ." (the blank space being filled with the number of persons to be elected to said party positions at the official primary election). Immediately below this direction and separated therefrom by a horizontal line shall be printed the name or names of candidates duly designated for such party positions in such order as the board or officer with whom designations are filed may by lot determine, upon the notice and in the manner provided for determining the order in which candidates for nomination to public office shall be printed. Immediately below the names of all the candidates in the case of each party position there shall be left a blank space or blank spaces equal in number to the number of candidates to be nominated for said positions and the voter at the official primary election may write in such blank space or spaces the name or names of any person or persons for whom he desires to vote whose name or names are not printed upon the ballot. Voting spaces shall be provided at the left of each column opposite the names of the candidates in the same manner as provided for on the official ballot for the general election.

Where two or more candidates are to be elected to a party position, the names of candidates designated by each petition shall be grouped, and the order in which the groups shall be placed, together with the order of the names within each group, shall be determined by lot, in the manner provided in this section, for determining the order in which the names of candidates shall be printed under the title of an office or party position.

The officer or board charged with the duty of printing, preparing and distributing ballots shall determine in how many vertical columns the ballots shall be printed; provided, however, that the names of all persons designated for nomination to the same office or for election to the same party position shall appear in the same column.

To the left of the voting spaces, other than the voting spaces adjoining the heavy black vertical line dividing the names of candidates for public office from candidates for party positions, there shall also be a heavy vertical black line one-half the width of such dividing line, or one-eighth of an inch in width.

The names of candidates for nomination for public office and the names of candidates for party positions shall be numbered

consecutively with arabic numerals printed in heavy faced type at the left of the name of each candidate and at the right of the voting space aforesaid, from one upward beginning with the name of the first candidate for nomination for public office whose name is printed first upon the ballot in the column at the left and continuing consecutively through the names of said candidates for nomination for public office and then consecutively through the names of the candidates for party positions; except that where there are two or more candidates for a party position grouped as hereinbefore provided, each group shall have but one number, which shall be printed opposite the approximate center of the group, and there shall be between each group, including the group of spaces for names not printed, a blank space five-sixteenths of an inch in depth.

Where the name of a candidate for nomination for the same public office or for election to the same party position is designated by two or more petitions, it shall be placed upon a ballot only once; if a candidate for a party position to be filled by two or more persons be designated in more than one petition, his name shall be printed only in the group of candidates designated by the petition first filed; provided that nothing herein contained shall prevent the printing of the name of a candidate upon the same official ballot as a candidate for nomination for public office and at the same time as a candidate for one or more distinct party positions.

On the back of the ballot below the stub and immediately at the left of the center of the ballot shall be printed the name and emblem of the party, and in great primer roman condensed capitals "Official primary ballot for," and after the word "for" shall follow the designation of the election district for which the ballot is prepared, the date of the primary election, and a facsimile of the signature of the officer who has caused the ballot to be printed. Immediately above the center of such indorsement and upon the back of the stub, shall be printed the consecutive number of the ballot beginning, on the ballots of each party, with "number one," and increasing in regular numerical order, and on the back of the stub below the number, the name of the party. All official primary ballots shall, so far as it conforms to the above description, be substantially in the following form: [*As added by chap. 891, Laws of 1911, and amended by chaps. 800 and 820, Laws of 1913, and exclusive of the ballot form by chap. 244, Laws of 1914.*]

**<sup>1</sup>ARTICLE 4-A****Conduct of Official Primary Elections; Canvass of Returns**

- <sup>2</sup>Section 70. Organization and conduct of official primaries.  
71. Qualifications of voters at official primaries.  
72. Challenges at official primary elections.  
73. Expense of official primaries.  
74. Primary districts, officers and polling places.  
75. Notice of official primaries.  
76. Restrictions as to place of primaries.  
77. Removals from, and filling vacancies in, boards of primary election officers.  
78. Primary poll-clerks and poll-books, in primary districts outside of cities of over one million inhabitants.  
<sup>3</sup>78-a. Primary poll-clerks and poll-books in cities of over one million inhabitants.  
79. Ballots, booths, books, blanks and supplies.  
80. Delivery of ballots and manner of voting.  
81. Unofficial ballots.  
82. Preparation of ballot by voters.  
83. Persons within the guard-rail.  
84. Watchers; challengers; electioneering.  
85. Canvass of votes.  
86. Intent of voters.  
87. Proclamation and statement of result.  
88. Preservation of records and papers.  
89. Canvass of statements of results; certificates of election to party position.  
90. Filling vacancies and determination of tie vote after primaries.  
91. Party nominations for special elections and to fill certain vacancies.  
92. Unofficial primaries.  
93. Penalty for violation.  
94. Perjury.

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<sup>1</sup> New article added by chap. 891, Laws of 1913.

<sup>2</sup> Schedule of section headings and title amended by chap. 820, Laws of 1913.

<sup>3</sup> New section added by Chap. 678, Laws of 1915.

**§ 70. Organization and conduct of official primaries.**

1. Election officials for each election district within a primary district shall comprise the election officers for such primary district.

2. All said officers shall take and subscribe the constitutional oath of office, before entering on the discharge of their duties.

3. Such primary shall be held open, for voting thereat, from seven o'clock in the forenoon until nine o'clock in the evening, except in a city of over one million inhabitants, where such primary shall be held open, for voting thereat, from three o'clock in the afternoon until nine o'clock in the evening.

4. The primary election officers shall perform the same duties that they are required to perform in a general election, and such additional duties as are in this chapter prescribed and shall receive the same pay as for services on the last day of registration; except that in any city of over one million inhabitants, they shall respectively receive seven dollars and fifty cents for their services at each official primary.

5. In each year an official primary election shall be held on the seventh Tuesday before the general election; in each year in which a president of the United States is to be elected, an additional official primary election shall be held on the first Tuesday in April.

6. Subject only to such differences as are herein provided or as may be necessary, the primary in a city of over one million inhabitants shall be conducted in the same manner as the general election. In any such city, a chairman of the board of primary inspectors shall be selected in the same manner as a chairman of a board of inspectors at a general election. [*As amended by chap. 820, Laws of 1913, chap. 678, Laws of 1915, and chap. 537, Laws of 1916.*]

**§ 71. Qualifications of voters at official primaries.**

No person shall be entitled to vote at any official primary unless he is duly enrolled and may be qualified to vote on the day of election. The primary election inspectors shall decide all questions that arise relating to the qualifications of voters.

**§ 72. Challenges at official primary elections.** The right of an enrolled voter to participate in any official primary election shall be subject to challenge at any time before his ballot is deposited in the ballot box. When any enrolled voter shall be

challenged, the chairman, or one of the members, of said board, shall forthwith put to him an oath or affirmation to answer truly such questions as shall be put to him, and he shall be allowed to vote if, and only if, he shall make such oath or affirmation, and shall answer in the affirmative each of the following questions: "Are you ..... (using the name which he has given as his name) ?

Do you reside, and have you, for thirty days last past, resided at ..... (giving the address which he has given as his residence) ? "

**§ 73. Expense of official primaries.** The expense of official primary elections, including the expense of preparing and copying new enrollment books and the compensation herein provided to be paid to primary election officers, shall be paid by the same officers or boards and in the same manner, as the expenses of general elections. If provision shall not have been made for the payment of such expense in any year, then the officers who are empowered by law to make such provision in any county, city, town or other political subdivision of the state, are hereby authorized and directed to raise money to such an amount as may be necessary, in any manner provided by law for meeting expenses in anticipation of the collection of taxes and to pay such expense therefrom. The amount so raised shall be included in the amount to be raised by tax in the ensuing year.

**§ 74. Primary districts, officers and polling places.** The custodian of primary records shall thirty days before each official primary day, divide every ward in a city, except a city of over four hundred thousand inhabitants, and divide every village having five thousand inhabitants or more, into primary districts, each of which shall consist of two contiguous election districts, except that in case there is an odd number of election districts in such ward or village, the highest numbered election district shall be a primary district by itself. There shall be two polling places in each of such primary districts which shall be designated and provided at public expense by the officers or boards whose duty it is to provide polling places for days of general election, and which shall be, so far as they are available, the same places as were used for the last preceding general election. The custodian of primary records shall assign one of the polling places in each such primary district to the party which, at the last election of governor, cast the highest number of votes for governor, and at

the other polling place in such primary district there shall be held the primary elections of all other parties. In all other villages and towns, and in each city having over four hundred thousand inhabitants, each election district shall constitute a primary district. In a city, town or village in which each election district constitutes a primary district there shall be for each primary district primary election officers, who shall consist of the election inspectors, poll clerks and ballot clerks for the election district comprising such primary district and such inspectors shall be the board of primary inspectors. In election districts in which voting machines are used at the general election the ballot clerks to serve at the primary election shall be appointed by the board of election inspectors for the purposes of such primary election only. In a city or village having more than five thousand inhabitants, except a city having over four hundred thousand inhabitants, there shall be for each primary district two groups of primary election officers, one of which shall consist of the election inspectors, poll clerks and ballot clerks for the election district or districts comprised within such primary district who shall at the time represent the party which at the last preceding election of a governor shall have cast the largest number of votes for governor, and the other of which shall consist of the election inspectors, poll clerks and ballot clerks who shall represent the party which, at such election, shall have cast the second largest number of votes for governor. The first mentioned officers shall conduct the primary election of the party represented by them and the second mentioned officers shall conduct the primary elections of all other parties at the time entitled to hold primary elections. The election inspectors belonging to each such group of primary officers shall be the board of primary inspectors. In a primary district having two boards of primary election inspectors each board shall elect an inspector chairman of the board before the opening of the polls at a primary election. In a primary district having one board of primary election inspectors the chairman of the board of election inspectors for the election district shall, if present, be the chairman of such board of primary officers, except as otherwise provided by law.

In a city, town or village in which each election district constitutes a primary district the polling place in each such primary district shall be designated and provided at public expense by the officers or boards whose duty it is to provide the polling places for the general election, and, where practicable, it shall also be the same place that was used at the last preceding general elec-

tion, unless, in a city having over one million inhabitants, the primary polls be placed in a school or other public building as provided in section two hundred and ninety-nine. [*As amended by chap. 820, Laws of 1913, chap. 678, Laws of 1915, and chap. 537, Laws of 1916.*]

**§ 75. Notice of official primaries.** At least thirty-five days before each official primary day the chairman of the general committee of each party subject to the provisions of this article, shall certify and deliver to the custodian of primary records a statement of the committees and offices for which members or candidates as the case may be, are to be elected or nominated thereat, and the number of members of committees, to be elected in each unit of representation. If delegates and alternates to a national party convention are to be chosen at the primary, such statement shall certify the number to be elected in each unit of representation. The custodian of primary records shall prepare a notice of each official primary election provided for by this article, and shall publish such notice, not more than thirty-five days and not less than thirty days prior to such primary election, in at least one newspaper having a general circulation in the city or village, of the political faith of each of the two parties which, at the last preceding election of a governor, cast the highest and next highest number of votes for governor. Such notice shall specify the day of such primary election, the hours during which it will be held, the location of each polling place, the election districts whose voters may vote at each such polling place, the name of the party or parties whose primary elections will be held thereat, and the national party conventions, party committees or public offices for which delegates, members or candidates, as the case may be, will be chosen thereat. [*As amended by chap. 820, Laws of 1913.*]

**§ 76. Restrictions as to place of primaries.** No primary election shall be held in a saloon or drinking place, or in a room which is more than one flight of stairs from the street or not readily accessible from the street.

**§ 77. Removals from, and filling vacancies in, boards of primary election officers.** Removals from boards of primary election officers shall be made, and vacancies occurring in such boards shall be filled, in the same manner as is provided in this chapter for making removals from boards of election officers and for filling vacancies therein on a day of registration.

**§ 78. Primary poll-clerks and poll-books, in primary districts outside of cities of over one million inhabitants.** The provisions of this section shall apply only to primary districts outside of a city having over one million inhabitants. Each primary poll-clerk at each polling place at an official primary election shall have a poll-book for each party in each election district within the primary district for keeping the list of enrolled voters voting, or offering to vote thereat at the primary election. Each such book shall have columns headed respectively "number of enrolled voter," "name of enrolled voter," "residence of enrolled voter," "number on ballots delivered to enrolled voter," "number on ballot voted," and "remarks."

Upon each delivery of an official primary ballot by the primary ballot clerk to an enrolled voter, the primary poll-clerk shall enter upon the poll-book of the election district in which the enrolled voter resides, in the appropriate column, the number of the enrolled voter, in the successive order of the delivery of the ballots thereto, the name of the enrolled voter in the alphabetical order of the first letter of his surname, his residence by street and number, or if he have no street number, a brief description of the locality thereof, the printed number upon the stub of the ballots delivered to such enrolled voter, and the number of the ballot voted by him. If the ballot delivered to any enrolled voter shall be returned by him to the primary ballot clerk, and he shall obtain a new ballot, the primary poll-clerk shall write opposite his name on the poll-book in the proper column, the printed number of the stub of such ballot. Each primary poll-clerk shall make a memorandum upon his poll-book opposite the name of each person who shall have been challenged and taken either of the oaths prescribed upon such challenge, or who shall have received assistance in preparing his ballot and shall also enter upon the poll-book opposite the name of such person the names of the primary officers or persons who render such assistance, and the cause or reason assigned for such assistance by the elector assisted.

As each enrolled voter offers the ballot which he intends to vote to the primary inspector, each primary poll-clerk shall report to the primary officers whether the number entered on the poll-book kept by him as the number on the ballot last delivered to such enrolled voter is the same as the number on the stub of the ballot so offered. As each enrolled voter votes, each primary poll-clerk shall enter in the proper column on his poll-book the number on the stub of the ballot voted. Upon the close of the polls of the primary election, the primary poll-clerks and all primary officers

shall compare the poll-books with the enrollment books or registers and correct any mistakes found therein. [*As amended by chap. 678, Laws of 1915.*]

**§ 78-a. Primary poll-clerks and poll-books in cities of over one million inhabitants.** 1. The provisions of this section shall apply only to primary districts within a city having over one million inhabitants.

2. In every such city each primary poll-clerk at each polling place at an official primary election shall have a poll-book for keeping the list of enrolled voters voting or offering to vote thereat at the primary election. In each primary district of such city the poll-book shall be arranged in columns as provided in this section, and the leaves of such poll-book shall be indexed from A to Z. Columns one to seven inclusive shall be arranged upon the left hand pages of said book, and the remaining columns upon the right hand pages. The first column of the poll-book shall be entitled "number of voter voting at the primary," and in such column, as the name of each enrolled voter voting at such primary is recorded, shall be entered a number opposite the name, beginning with "one" opposite the name of the first voter voting at the primary of any party in such election district and continuing in numerical order to and including the last voter voting at such polling place. The second and third columns shall together be entitled "name of enrolled voter," with the respective sub-titles "surname" and "given name or names." As the enrolled voters in the respective parties present themselves to vote at such primary the surnames of such voters shall be entered in such second column in the alphabetical order of the first letter of such surnames. In the third column shall be entered the christian or given name or names of such voters respectively. The fourth column shall be entitled "residence of enrolled voter," and in such column shall be entered the residence of each such voter. The fifth column shall be entitled "party of enrolled voter," and in such column shall be entered the name of the party in which each such voter is enrolled and in whose primary he is participating. The sixth column shall be entitled "signature of enrolled voter (or number of identification statement)," and above each horizontal line in said column shall be printed the words "The foregoing entries are true and correct," and in such column, below such words printed above the line on which his name is entered, each voter participating in the primary shall sign his name by his own hand

and, without assistance, using an indelible pencil or ink, or in default of such signature (in case only of inability to sign as hereinafter provided) shall be entered the number of such voter's identification statement. The seventh column shall be entitled "signature compared by inspector," and before the voter shall receive a primary ballot, one of the inspectors, other than the inspector who receives the primary ballots from the enrolled voters, shall compare the voter's signature then and there made in such poll-book with the same voter's signature theretofore made in the registration book on registration day, and such inspector shall then and there sign his initials in said seventh column in evidence thereof. The eighth, ninth and tenth columns shall be grouped together under the title "number of primary ballot delivered to enrolled voter" with the respective sub-titles "first ballot," "second ballot," "third ballot," and in such column or columns, beginning with the eighth, shall be entered the number on the ballot (or successive ballots) delivered to such voters respectively. Then shall follow as many columns as there are parties holding a primary in such election district, grouped together under the title "number on primary ballot voted," and at the top of each column shall be printed the name of one of such parties, the party names to be arranged in the order of the size of their respective vote for governor at the last preceding general election, the party casting the highest number of votes for governor to come first, and so on; and the number upon the ballot voted by each such enrolled voter shall be entered in the column bearing the name of the party whose ballot he casts. The last column in such poll-book shall be entitled "remarks regarding challenges, oaths, and other facts required to be recorded," and in such column shall be entered, opposite the name of each voter, such record of challenges, oaths, and other facts relating to him as this law requires to be entered in the poll-book and are not otherwise provided for.

3. The procedure with respect to recording in each such poll-book the names of and other particulars concerning the enrolled voters presenting themselves to vote at any primary, obtaining, comparing and certifying to their signatures prior to the delivery of ballots to them, or obtaining identification statements in lieu of such signatures, recording and announcing the ballots delivered and voted, making and recording challenges, and all other procedure with respect to the taking of the vote at any party primary shall be the same as that prescribed for the general election, and except as otherwise provided in this article, all provisions of article ten of the election law applying to the taking of the vote at a

general election shall apply equally to each party primary. [*As added by chap. 678, Laws of 1915.*]

**§ 79. Ballots, booths, books, blanks and supplies.**

The custodian of primary records shall have for each party printed ballots for each election district equal in number, as near as may be, to one and one-third times the total number of enrolled voters of the party in the election district, prepared as herein described. Such ballots and the sample ballots and the original enrollment books, poll-books, blanks and stationery shall be delivered by the board of elections, at its office on the Saturday before the primary election for which they are needed to each town or city clerk in the county, except in New York city and in the city of Buffalo. It is hereby made the duty of each such town or city clerk to call at the office of such board at such time and receive such ballots and supplies. Each such town or city clerk shall deliver to the proper polling places in their city or town the ballots and such supplies for such primary election, at least one-half hour before the time fixed for opening the polls. In the cities of New York and Buffalo, such custodian shall cause such supplies to be delivered to the proper primary officers at the various polling places at least one-half hour before the time fixed for the opening of the polls. The polling places, voting booths, guard-rails, distance markers, ballot boxes, sample ballots, poll-books and other supplies required for official primary elections shall be provided and paid for by the same officers, and in the same manner, as in the case of general elections. At all official primary elections a separate ballot box with the name and emblem of the party and with the number of the election district clearly and conspicuously written or printed thereon, shall be provided at each polling place for each party participating in a primary election at such polling place; and there shall also be a large box for the reception of unvoted ballots and an additional box for detached ballot stubs and there shall be affixed to the outside of the polling place and in at least two places on the inside thereof, and in a conspicuous manner, placards printed with large-sized bold-faced type, which shall specify the name of the parties whose primary election is being held in such polling place. Sample ballots shall be provided by the custodian of primary records for each party for each election district, equal in number, as near as may be, to twenty-five per centum of the number of official ballots required to be furnished for such party for such election district. Such sample ballots

shall be printed on paper different in color from the paper used for the official ballot, and there shall be no numbers upon the stubs thereof, but in all other respects such sample ballots shall be precisely like the official ballots. One of such sample ballots shall be furnished upon application at any time on primary day to any voter entitled to vote the ballot of which he requests a sample.

The custodian of primary records shall prepare and furnish for each board of primary election inspectors two tally sheet blanks and two statement of result blanks for each party whose primary election is under the jurisdiction of said board of primary election inspectors. Upon each of said blanks shall be indorsed the name of the party, the name of the county, the number of the assembly district or ward, or the name of the town, and the number of the election district for which said blank is to be used.

Each such tally sheet shall consist of three columns separated from each other by vertical lines running from top to bottom of each page of the tally sheet. In the first column shall be printed the title of each public office for which a candidate is to be nominated, and, in the case of the party tally sheets, the name of each party position to which members are to be elected. Under the name of each public office, on the party tally sheets, for which candidates are to be nominated and on the same page shall be printed, in alphabetical order, the names of all candidates for the nomination therefor. Under the name of each party position on the party tally sheets and on the same page shall be printed, in alphabetical order, the names of all candidates for election thereto. On all the tally sheets, under the names of the group of candidates for each public office or party position, shall be printed, each on a separate line, the words "blank" and "void" and the phrase "total number of votes cast for this office (or position)," and under such phrase shall be left several blank spaces for writing in names not printed on the ballot. Each name and each such word, phrase or space upon said tally sheet shall be separated from each other name and each other such word, phrase or space next thereto by parallel horizontal lines extending from one side of the sheet to the other. The second column upon the tally sheet shall be headed, at the top of each page thereof, "Space for tally as canvass progresses." The third column in like manner shall be headed "Space for total number of votes received by each candidate."

Each such statement of result sheet shall consist of two columns separated from each other by a vertical line running from

top to bottom of each page of the sheet. In the first column shall be printed the title of each public office, and, in the case of the party statement of result sheets, the name of each party position, and the names of all the candidates therefor, which shall be printed in the same manner and order as upon the tally sheet in the first column thereof. All names shall be separated from each other by parallel horizontal lines. At the head of each statement of result sheet shall be printed the following: "Statement of result of the vote cast at the official primary election held on the..... day of ..... (the blanks being properly filled)," and there shall also be printed the name of the county, the number of the assembly district or ward, or the name of the town, and the number of the election district. At the foot of each such statement of result sheet shall appear the following certificate to be signed by the primary election inspectors:

"We hereby certify that the foregoing statement of result is true and correct in all respects.

.....  
 .....  
 .....  
 .....

Board of primary election inspectors."

All pages of each tally sheet and of each statement of result sheet shall be securely bound together in convenient form. [*As amended by chap. 891, Laws of 1911, chap. 820, Laws of 1913, and chap. 244, Laws of 1914.*]

**§ 80. Delivery of ballots and manner of voting.** No voter at a primary election shall be given or be allowed to mark or cast the ballot of any party with which he has not enrolled. The folding and delivery of ballots and the manner of voting shall be the same as prescribed for the folding and delivery of ballots and the manner of voting prescribed by the provisions of this chapter relating to general elections so far \* the same may be applicable, excepting that each ballot after detachment of the stub by the officer charged with that duty shall be deposited in the separate box provided for the party designated on the ballot, and such officer, in addition to announcing the name of the voter and number of the stub, shall also announce the party name thereon.

\* So in original.

**§ 81. Unofficial ballots.** If, for any cause, the official ballots for any party shall not be provided as required by law at any polling place, upon the opening of the polls of any primary election thereat, or if the supply of official ballots for any party shall be exhausted before the polls are closed, unofficial ballots, printed or written, made as nearly as practicable in the form of the official ballot, may be used.

**§ 82. Preparation of ballot by voters.** The voter, on retiring to the voting booth, shall prepare his ballot in the following manner: He shall make a cross X mark in the voting square at the left of the name of each candidate for whom he desires to vote. A cross X mark is any straight line crossing any other straight line at any angle within the voting space and no ballot shall be declared void because a cross X mark thereon is irregular in form. It shall not be lawful to make any mark on the ballot other than a cross X mark for the purpose of voting, and such mark shall be made only with a pencil having black lead, and only in the voting space to the left of the name of a candidate; except that the voter may write with a pencil having black lead in the blank space under the title of the proper office or party position the name of any person or persons for whom he desires to vote, whose name or names are not printed upon the ballot; not exceeding with the candidates for whom he has voted by cross X mark the total number of persons by whom such office or position is to be filled. It shall not be lawful to deface or tear a ballot in any manner, nor to erase any printed name, device, figure, word or letter therefrom, nor to erase any mark made thereon by such voter nor inclose in the folded ballot any other paper or any article. If the voter deface or tear a ballot, or wrongly mark the same or make an erasure thereon, he may obtain one additional ballot on returning to the ballot clerk the one so defaced or wrongly marked. [*As amended by chap. 820, Laws of 1913, and chap. 537, Laws of 1916.*]

**§ 83. Persons within the guard-rail.** From the time of the opening of the polls, until the result of the canvass of the votes cast thereat shall have been announced, and the official statements of such canvass shall have been signed, the ballot boxes and all voted ballots shall be kept within the guard-rail. No person shall be admitted within the guard-rail during such period, except primary election officers, duly authorized watchers, persons admitted by the inspectors to preserve order or enforce the law,

## THE ELECTION LAW

persons duly admitted for the purpose of voting; provided, however, that any candidate voted for may be present at the canvass of the votes.

**§ 84. Watchers; challengers; electioneering.** The ballot and other boxes used at any primary shall be examined by the inspectors in the presence of the watchers, if any, before any ballots are received. One watcher for each election district may be appointed by any political committee, and by any two or more of the persons whose names are upon any ballot to be voted at such primary election. Such watchers may be present at each polling place and within the guard-rail from at least fifteen minutes before the examination of any ballot or other box at the opening of the polls of such primary election until after the announcement of the result of the canvass of the votes cast thereat and the signing of the statements thereof by the inspectors. A reasonable number of challengers, at least one person for any three or more persons of each party holding its primary election at that polling place, whose names are upon any official ballot at such primary election, shall be permitted to remain just outside the guard-rail of each such polling place, where they can plainly see what is done within such rail outside the voting booths, from the opening to the close of the polls thereat. No person shall, while the polls are open, at any polling place do any electioneering within such polling place, or within one hundred feet therefrom, in any public street or in any building or room, or in a public manner, and no political banner, poster or placard shall be allowed to be placed or upon such polling place on any primary day. [*As amended by chap. 820, Laws of 1913.*]

**§ 85. Canvass of votes.** As soon as the polls at any official primary election shall close, the primary inspectors shall forthwith publicly canvass and ascertain the result thereof, and they shall not adjourn or postpone the canvass until it shall be fully completed. All questions touching the validity of ballots and their conformity with the provisions of this chapter shall be determined by a majority vote of the primary inspectors. The room in which such canvass is made shall be clearly lighted, and such canvass shall be made in plain view of the public. It shall not be lawful for any person or persons during the canvass, to close, or cause to be closed, the main entrance to the room in which such canvass is conducted, in such manner as to prevent ingress or egress thereby. The

primary inspectors shall proceed to canvass the vote by counting the ballots found in the ballot boxes without unfolding them, except so far as to ascertain that each ballot is single, and by comparing the ballots found in each box with the number shown by the enrollment book to have been deposited therein. If the ballots found in any box shall be more than the number of ballots so shown to have been deposited therein, such ballots shall be replaced, without being unfolded, in the box from which they were taken, and shall be thoroughly mingled therein, and one of the inspectors designated by the board shall, without seeing the same and with his back to the box, publicly draw out as many ballots as shall be equal to such excess, and, without unfolding them, forthwith destroy them. If two or more ballots shall be found in a ballot box so folded together as to present the appearance of a single ballot, they shall be destroyed if the whole number of ballots in such ballot box exceeds the whole number of ballots shown by the enrollment book to have been deposited therein, and not otherwise. If there lawfully be more than one ballot box for the reception of ballots voted for at any one polling place, no ballot found in the wrong ballot box shall be rejected, but shall be counted in the same manner as if found in the proper box, if such ballots shall not, together with the ballots found in the proper ballot box, make a total of more ballots than are shown by the enrollment book to have been deposited in the proper box. The chairman only of the board of primary officers shall unfold the ballots taken from a ballot box. When a ballot is not void, and a primary election inspector or a duly authorized watcher shall, during the canvass of the vote, declare his belief that any particular ballot has been written upon or marked in any way for the purpose of identification, the inspectors shall write on the back of such ballot "Protested as marked for identification," and shall specify over their signatures upon the back thereof the mark or markings upon such ballot to which objection is made. The votes upon each such ballot shall be counted by them as if not so protested. If any ballot shall be rejected as void, the reason for such rejection shall be written on the back thereof by the chairman, or by an inspector designated by him. All ballots rejected as void, and all ballots protested as marked for identification, shall be enclosed in a separate sealed package, which shall be endorsed on the outside thereof with the names of the inspectors, the designation of the election district, and

## THE ELECTION LAW

per and kind of ballots contained therein. Such package filed by the chairman with the original statement of the

A statement of the number of ballots of any party pro-  
marked for identification, and of the number thereof  
as void, shall be included in each of the statements of the  
the canvass for such party. If requested by any watcher,  
etor shall, during the canvass, exhibit any and all ballots  
uch primary election to such watcher, fully opened and in  
dition that he may fully and carefully read and examine  
but such inspector shall not allow any such ballot to be  
m his hands. [As amended by chap. 820, Laws of 1913.]

**Intent of voters.** If the voter marks more names  
e are persons to be nominated for an office or elected to a  
ition, or if for any other reason it is impossible to deter-  
voter's choice of a candidate for a party position or for  
on for an office, his vote shall not be counted therefor but  
returned as a blank vote for such nomination or party

A ballot is a ballot upon which there shall be found any  
er than a cross X mark made for the purpose of voting,  
oting mark must be made with a pencil having black  
y in a voting space to the left of the name of a candidate;  
pon which anything is written other than the name or  
any person or persons not printed upon the ballot, for  
e voter desires to vote, which must be written in the blank  
der the title of the proper office or party position with a  
ving black lead; or one which is defaced or torn by the  
one upon which there shall be found any erasure of any  
evice, figure, letter or word, or of any name or mark  
hereon, by such voter; or in which shall be found in-  
separate piece of paper or other material; and upon such  
vote for any candidate thereon shall be counted. Any  
ine crossing any other straight line at any angle within  
space shall be deemed a valid voting mark; but no ballot  
declared void because a cross mark thereon is irregular in  
[As amended by chap. 820, Laws of 1913, and chap. 537,  
1916.]

**Proclamation and statement of result.**  
tely upon the completion of such canvass, the board of  
inspectors in each primary district shall make public oral

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§ 88. Presen  
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proclamation of the result thereof, and shall make upon the statement of result sheet for each party a written statement of such result for each election district in such primary district, and also a duplicate thereof, which shall be known as the duplicate statement. Immediately after the completion of such statements, such board shall file the originals thereof with the custodian of primary records, and shall file the duplicate statements with the clerk of the city, town or village.

In cities having more than one million inhabitants the board of primary inspectors shall also make and sign a police return of the vote at the primary similar to that required at the general election by section three hundred and seventy-two of this chapter, and such return and its contents shall be treated in the same manner by the same officers as is provided in that section with respect to the statement of the result of the canvass of votes on election day to be delivered to the police. [*As amended by chap. 678, Laws of 1915.*]

**§ 88. Preservation of records and papers.** At all reasonable times any watcher shall have reasonable opportunity to make a transcript of any such statement, or any portion thereof, and any candidate shall be entitled to receive, upon demand, a written statement showing the result of the primary election so far as he is concerned.

After the close of the canvass of the votes at official primary elections, the ballots of each party cast thereat, except the protested, void and wholly blank ballots, shall be tied together, labeled and replaced in the ballot boxes from which they were respectively taken, and such ballot boxes shall then be securely locked and sealed, and, together with the box containing the stubs, shall be returned to the officer from whom they were received, who shall safely keep the same, subject, however, to be produced upon the order of any court of record or judge thereof, for not less than thirty days after such primary election, and until all suits or proceedings before any court or judge touching the same shall have been finally determined, when the ballots and stubs shall be removed and without examination, destroyed. In the case of a contested nomination for office or a contested election to a party position any candidate shall be entitled as of right to an examination in person or by authorized agents of any primary ballots upon which his name lawfully appeared as that of a candidate; but the court shall prescribe such conditions, as of notice to other candidates or otherwise, as it shall deem to be

necessary and proper. The custodian of primary records shall preserve for at least two years all books, records, petitions, objections, certificates and papers filed with him under any provision of law for a period of at least two years, at the expiration of which time all such books, records, petitions, objections, certificates and papers may be destroyed by such custodian. [*As amended by chap. 820, Laws of 1913.*]

**§ 89. Canvass of statements of results; certificates of election to party position.** 1. Canvass by custodians of primary records. The custodian of primary records shall forthwith proceed to canvass the statements of results filed with him as provided in this article, and shall complete such canvass within one hundred and twenty hours from midnight of the day upon which the primary election was held.

He shall canvass separately the votes cast in each election district by the enrolled voters of the several parties respectively.

The candidate for a party nomination to public office, or for election to a party position, to be filled by the voters of a territory wholly within an election district, ward or town, who has received the highest number of votes cast in the primary election of a party in such election district, ward or town, shall be the nominee of said party for such public office, or shall be elected to such party position. Said custodian shall deliver upon request to such candidate, if he be elected to a party position, a certificate of his election.

The candidate for a party nomination to public office, or for election to a party position, to be filled by the voters of a district wholly within the jurisdiction of a custodian of primary records and greater than an election district, ward or town, who has received the highest number of votes cast in the primary election of a party in such district shall receive the nomination of said party for the public office, or be elected to the party position, for which he was designated or voted for. The custodian of primary records shall deliver upon request to such candidate, if he be elected to a party position, a certificate of such election.

The custodian of primary records shall duly certify to the secretary of state a statement of the vote cast in the county in the primary election by the enrolled voters of each party, respectively, for all candidates for nomination for public office, or for election to party position, whose designations are required by this

chapter to be filed in the office of the secretary of state. Such statement shall be filed by such custodian in the office of the secretary of state within one hundred and twenty hours from midnight of the day on which the primary election was held.

2. Canvass by the secretary of state. The secretary of state shall forthwith proceed to canvass the certified statements so filed with him, and such canvass shall be made separately as to the candidates of each party.

The candidate voted for at an official primary election who has the highest number of votes shall receive the nomination of said party for the public office, or be elected to the party position, for which he was designated or voted for. The secretary of state shall forthwith transmit to each candidate elected to a party position a certificate of such election.

3. A certificate of election to party position at an official primary of a party duly issued as herein provided shall entitle the person to whom it is issued to membership in the committee or to a seat in the national convention to which he is elected. Upon the completion of said canvass to be made by the secretary of state, he shall prepare certified statements of the result of the primary election of each party participating therein.

4. The statements of result of any official primary election filed or prepared in the office of a custodian of primary records or of the secretary of state showing the nomination of a party candidate for public office at an official primary election shall be equivalent to a certificate of his nomination, and no other certificate of nomination shall be required to be filed for any such candidate so nominated. [*As added by chap. 891, Laws of 1911, and amended by chap. 820, Laws of 1913, chap. 244, Laws of 1914, and chap. 537, Laws of 1916.*]

**§ 90. Filling vacancies and determination of tie vote after primaries.** A vacancy in a nomination for public office made at a primary election shall be filled as follows: A vacancy caused by the declination, disqualification or death of a candidate, or by a tie vote, shall be filled by a majority vote of a quorum of the state committee, if the vacancy occur in a nomination for an office to be filled by all of the voters of the state, and otherwise by the members of the county committee or committees elected at such primary in the political subdivision in which such

vacancy occurs, or by such other committee as the rules and regulations of the party may provide. Certificates of such nomination shall be filed in the office in which a designation of a candidate for such office is required to be filed. [*As amended by chap. 820, Laws of 1913.*]

**§ 91. Party nominations for special elections and to fill certain vacancies.** Party nominations to an office to be voted for at a special election shall be made in the manner prescribed by the rules and regulations of the respective parties. A party nomination of a candidate for a vacancy in an elective office required to be filled at the next general election, occurring after the expiration of the period provided for the delivery by the chairman of a general committee to the custodian of primary records of the certified statement provided for in section seventy-five, shall be filled by a majority vote of a quorum of the state committee, if the vacancy occur in a nomination for an office to be filled by all the voters of the state, and otherwise by the members of the county committee or committees elected in the political subdivision in which such vacancy occurs at the official primary preceding the general election at which such vacancy is to be filled or by such other committee as the rules and regulations of the party may provide. [*As amended by chap. 820, Laws of 1913.*]

**§ 92. Unofficial primaries.** Notice of all unofficial primary elections shall be given in the same manner as in the case of official primary elections, except that such notice shall be given by the proper party officers and shall not be at public expense. Unofficial primary elections shall be held in such places within the unit of representation for which the primary election is held, as shall be designated by the proper political committee, but there shall be at least one polling place within and for each assembly district, ward or village. The chairman and secretary of the political committee calling an unofficial primary election, or under whose direction such primary election is held, shall post and keep posted during the election, at or near the entrance to the room where the primary election is held, so that the same is clearly visible from the street, a conspicuous notice calling attention to the place at which the primary election is being held. Unofficial primary elections shall be held at the expense of the party holding them, and, except as herein otherwise provided, shall be subject to the rules and regulations of such party.

There shall be a chairman and secretary for each unofficial primary and there may be tellers. No person shall be entitled to vote at an unofficial primary unless he may be qualified to vote on the day of election.

The chairman may administer any oath required to be administered at any primary and he shall decide all questions that arise relating to the qualification of voters when a voter is challenged by any elector and shall reject such vote unless the person offering the vote is willing to be and shall be sworn that he will truly answer all questions put to him touching his qualifications as such voter and shall state under oath that he is qualified to vote at such primary.

The ballot box used at any primary shall be examined by the secretary and by the tellers, if any, in the presence of the watchers, if any, before any ballots are received, to see that there are no ballots therein. Such watchers are entitled to be present from the commencement of the primary to the close of the canvass and the signing of the certificates thereof. At the close of the canvass of the ballots cast for each candidate, the secretary shall publicly announce the vote and the result of the canvass.

No unofficial primary election shall be held in a saloon or drinking place, or in a room which is more than one flight of stairs from the street or not readily accessible from the street.

**§ 93. Penalty for violation.** Unless otherwise expressly provided in this chapter any person violating any of the provisions of articles two, three, four, four-a and four-b of this chapter is guilty of a misdemeanor.

**§ 94. Perjury.** All oaths administered under the provisions of this article and the preceding articles of this chapter are hereby declared to be oaths required by law, and to be necessary for the ends of public justice. [*As amended by chap. 820, Laws of 1913.*]

## ARTICLE 5

### Nominating Certificates; Emblems; Vacancies

<sup>1</sup>Section 121. Certification and filing of nominations for town, village and certain other offices.

122. Independent nominations.

123. Independent certificates of nomination.

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<sup>1</sup>Schedule of section headings and title amended by chap. 820, Laws of 1913.

**Section 124. Emblems.**

125. Conflict in names or emblems.
126. Supplying omitted emblems.
127. Places of filing independent certificates of nomination.
128. Times of filing independent certificates of nomination.
129. Certification of nominations by secretary of state.
130. Publication of nominations.
131. Lists for town clerks and aldermen.
132. Posting town and village nominations.
133. Declination of nomination.
134. Objections to certificates of nomination.
135. Filling vacancies in nominations.
136. Certificates of new nominations.
137. Death of candidate after printing of ballots; official pasters.

**§ 121. Certification and filing of nominations for town, village and certain other offices.** A person nominated at a party primary for a town or village office or for a city office to be filled at an election held at a different time from the general election shall receive a certificate of such nomination. It shall be signed by the presiding officer and a secretary of such primary, or, if made by a committee, by a majority of the members thereof, who shall add to their signatures their respective places of residence, and shall make oath before an officer qualified to take affidavits that the affiants were such officers of such primary or that they are members and constitute a majority of such committee, as the case may be, and that such certificates and the statements therein contained are true to the best of their information and belief. A certificate that such oath has been administered shall be made and signed by the officer before whom the same was taken and attached to such certificate of nomination. Such certificate of nomination shall contain the title of the city, town or village office for which such person is nominated and his name and residence. Such certificate shall also designate, in not more than five words, the name of the political party by which the nomination is made and shall be properly authenticated. Such certificate shall also, upon its face, appoint a committee of three or more persons to fill a vacancy in any of such

nominations occurring for any of the reasons specified in section one hundred and thirty-five of this chapter between the date of such nomination and the day of election.

Such certificate shall be filed with the clerk of such city, village or town, respectively. In towns in which town meetings are held at the time of the general election, certificates of nomination of candidates for town offices shall be in duplicate, one of which shall be filed with the town clerk of the town in which such officers are to be voted for and the other with the board of elections of the county in which such town is located. All such certificates shall be filed with such city, village or town clerk, or such board of elections, not less than twenty nor more than thirty days before the day of election. All such filed certificates and corrected certificates of nomination, all objections to such certificates and all declinations of nominations are hereby declared to be public records. [*As added by chap. 820, Laws of 1913.*]

**§ 122. Independent nominations.** Nominations made as provided by this and the next section shall be known as independent nominations, and the certificate whereby such nominations are made shall be known as an independent certificate of nomination. Independent nominations of candidates for public office to be voted for by all the voters of the state can only be made by six thousand or more voters of the state; provided, however, that in making up such number at least fifty voters in each county of the state (the counties of Fulton and Hamilton to be considered as one county) shall subscribe the certificate provided for in this and the next section. Independent nominations of candidates for offices to be voted for by the voters of any political subdivision of the state can only be made by five per centum of the total number of votes cast for governor at the last gubernatorial election in such political subdivision, excepting that not more than three thousand electors shall be required to make an independent nomination in any political subdivision; and excepting that not more than one thousand five hundred electors shall be required to make an independent nomination for a borough or county office. [*As amended by chap. 891, Laws of 1911, and 800, Laws of 1913.*]

**§ 123. Independent certificates of nomination.** 1. Independent nominations shall be made by a certificate subscribed by the required number of such electors, each of whom shall add to his signature his place of residence and make oath that he is an

elector and has truly stated his residence. The making of the said oath shall be proved by the certificate of the notary or other officer before whom the said oath is taken, and it shall be unnecessary for an elector who has subscribed a certificate of nomination, as herein provided, to sign any affidavit as to the matter to which he has made oath as aforesaid. The certificate hereinbefore provided for of the notary or other officer shall be in the following form substantially:

STATE OF NEW YORK, }  
County of ....., } ss.:

On the ..... day of ....., in the year ....., before me personally came (here shall be inserted the names of each and every elector appearing and making oath before the said officer), each of whom was to me personally known and known by me to be the elector whose name and place of residence is subscribed by him to the foregoing certificate and each of the foregoing electors being by me duly and severally sworn did make oath that he is an elector and has truly stated his residence, and that it is his intention to support at the polls the candidacy of the person or persons nominated for public office in the foregoing certificate of nomination.

(Signature and official title.)

2. As an alternative method of authentication, in lieu of such acknowledgment, provision may be made in such nominating certificate for a column under the title "witness," for the signature of a witness opposite the names of signers of the certificate. There may be a subscribing witness for any signature, and the same person may act as witness for any number of signers. No person shall be qualified to act as such witness unless he shall be a freeholder within or shall have been for the last preceding five years a resident of the county in which the person resides whose signature he is witnessing; nor unless he shall have been registered either from the same address or within the same election district for the last preceding two general elections, or the territory of such election district as defined at the time of the first of such two registrations; nor unless his good character and honesty are certified to as provided below either by at least one-half of the candidates whom the certificate nominates or by the committee to fill vacancies named therein, which certificate of good character and honesty must be filed with the board or officer with

whom the nominating certificate is filed. Such witness must sign his name in the presence of the voter whose name he is witnessing and must thereafter appear before an officer authorized to administer oaths and take acknowledgments and make the following affidavit to be attached to the nominating certificate:

STATE OF NEW YORK, }  
County of ....., } ss.:

On this ..... day of ....., in the year ....., before me personally came (here insert name of witness), to me personally known, who, being by me duly sworn, did depose and say that he knew each of the voters whose names and places of residence are subscribed to the foregoing nominating certificate, as to whose signatures deponent has signed as a witness above, and deponent makes oath that he saw each of them sign the same, and that each such voter on signing such certificate declared to deponent that it was his intention to support at the polls the candidacy of the person or persons nominated for public office in the foregoing nominating certificate; and that deponent thereupon signed his name as a witness thereto in the presence of each such voter.

Said deponent does also make oath that he is (here state his qualifications to act as a witness as above provided) and that he has been registered for the last two general elections as follows: For the general election of 19.. I was registered from (state address) in the election district of the.....assembly district, county of....., state of New York. For the general election of 19.. I was registered from (state address) in the election district of the.....assembly district, county of....., state of New York.

.....  
(Signature of witness.)

Subscribed and sworn to before me,  
this.....day of.....

.....  
(Official title of officer.)

3. The certificate to the good character of the witness must be substantially as follows:

The undersigned hereby certifies to the good character and honesty of the following named person acting as witness to signatures upon a nominating certificate for the next ensuing election:

Name of witness,	Permanent residence of witness	Business of witness	Business Address of witness
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

I certify that I have known the said witness for (here state length of acquaintance) and that all the facts herein stated as to the character, honesty, residence, business and business address of the witness certified to, are stated upon my knowledge.

Dated.....

(Signature) . . . . .

(Residence) . . . . .

If the person making such certificate of good character and honesty has not personal knowledge of all such facts, his certificate may nevertheless be accepted, provided he shall state therein that any fact, specifying it, not made on his personal knowledge, is made in good faith upon information received from another person whom he names, and further provided that he attaches a certificate of such other person in substantially the foregoing form stating such fact or facts upon personal knowledge. Such other person must be a qualified elector of the district for which the nomination is made.

4. Any such witness, candidate, member of committee to fill vacancies or other person, who makes a false affidavit, certificate or statement as thus provided for, is guilty of a misdemeanor and shall be punished by imprisonment for a term of not less than three months.

5. The certificate of nomination and each separate paper thereof, if there be more than one such paper, shall contain the following declaration which shall be subscribed by the signers thereof:

"We the undersigned duly qualified electors of the district for which the nomination for public office is hereby made under the provisions of sections one hundred and twenty-two and one hundred and twenty-three of the election law do hereby declare that it is our intention to support at the polls the candidacy of the person or persons herein nominated for public office."

The certificate shall also contain the titles of the offices to be filled, the name and residence of each candidate nominated, and if in a city, the street number of such residence and his place of business, if any; and shall designate in not more than five words

the political or other name which the signers shall select, which name shall not include the name of any organized political party.

A certificate may designate upon its face one or more persons as a committee to represent the signers thereof, for the purposes specified by section one hundred and thirty-five of this article. The signatures to the certificate of nomination need not all be appended to one paper. No person shall join in nominating more candidates for any one office than there are persons to be elected thereto, and no certificate shall contain the names of more candidates for any office than there are persons to be elected to such office.

6. The name of no person signing an independent certificate of nomination shall be counted unless such person shall on one of the days of registration in such year be registered as a qualified elector, and in case a candidate nominated by an independent certificate of nomination be at the time of filing the said certificate or afterwards the candidate of a political party for the same office the name of no person who is an enrolled member of such political party shall be counted, except where such nomination is afterwards made by a party committee or committee to fill vacancies. For the purpose of ascertaining whether the person whose name appears on an independent certificate of nomination signed such certificate, the affidavit or testimony of such person that he did not sign such certificate shall be prima facie evidence that he did not sign such certificate. If the name of a person who has signed a certificate of independent nomination appear upon another certificate nominating the same or a different person for the same office, it shall not be counted upon either certificate. [*As amended by chap. 649, Laws of 1911, and chap. 537, Laws of 1916.*]

**§ 124. Emblems.** It shall be the duty of the state committee of a party to select some simple device or emblem to designate and distinguish the candidates of the party for public office. Such device or emblem shall be shown by a representation thereof upon a certificate signed and duly executed by the chairman and secretary of such state committee, which certificate shall be filed with the secretary of state, and such device or emblem, when so filed, shall in no case be used by any other party, or any independent body. When any independent body shall make a nomination of a candidate or candidates to be voted for by the voters of the entire state, it shall be the duty of the persons who shall sign and execute the certificate of nomination of

such candidate or candidates, to likewise select some simple device or emblem to designate and distinguish the candidate of such independent body making such nomination, and such device or emblem shall be shown by the representation thereof upon such certificate of nomination. The device or emblem so chosen, when filed as aforesaid, shall be used to designate and distinguish all the candidates of the same party or independent body nominated by such party or independent body, or duly authorized committee or primary thereof, in all districts of the state and shall continue to be used to designate and distinguish the candidates of such party or independent body in all districts of the state until changed by the state committee of the party or by the independent body choosing such device or emblem. The device or emblem chosen as aforesaid may be a star, an animal, an anchor, or any other appropriate symbol, but neither the coat of arms or seal of any state or of the United States, nor the state or national flag, nor any religious emblem or symbol, nor the portrait of any person, nor the representation of a coin or of the currency of the United States shall be chosen as such distinguishing device or emblem.

Existing devices or emblems, heretofore chosen pursuant to law, shall continue until changed in the manner provided in this section as hereby amended. [*As amended by chap. 820, Laws of 1913.*]

**§ 125. Conflict in names or emblems.** If two or more different parties or independent bodies shall select the same, or substantially the same, device or emblem or party name, the supreme court or any justice thereof within the judicial district or any county judge within his county shall decide which of said parties or independent bodies is entitled to the use of such device or emblem or party name, being governed as far as may be in his decision by priority of selection in the case of the device or emblem, and of use in the case of the party name. If the other party or independent body shall present no other device or party name after such decision, the custodian of primary records shall select for such other party or independent body another device or party name, so that no two different parties or nominating bodies shall be designated by the same device or party name. If there be a division within a party, and two or more factions claim the same, or substantially the same, device or name, the court or judge aforesaid shall decide between such conflicting claims, giving

preference of device and name to the primary, body or committee thereof, recognized by the regularly constituted party authorities.

Any question arising with reference to any device, or to the party or other name designated in any certificate filed pursuant to the provisions of this article, or with reference to the construction, sufficiency, validity or legality of any certificate, shall be determined upon the application of any citizen by the supreme court, or any justice thereof, within the judicial district, or any county judge within his county, who shall make such order in the premises as justice may require, but the final order at special term must be made on or before the twelfth day or, in the case of a certificate of nomination of a town or village officer, the seventh day preceding the day of election. Such question shall be heard upon such notice to such officers, persons or committees as the said court or justice or judge thereof shall direct.

The supreme court, at special term, in any judicial district in which two or more proceedings are pending in such district under the provisions of this section may, by order, consolidate all such proceedings and provide that further proceedings therein be had before such court at special term, in all cases where the question or questions involved are identical. If one or more of such proceedings be pending before a justice or county judge, notice of such order shall be forthwith given to such justice or judge. [*As amended by chap. 649, Laws of 1911, chap. 820, Laws of 1913, and chap. 244, Laws of 1914.*]

**§ 126. Supplying omitted emblems.** If a party or independent body shall have nominated candidates to be voted for by the voters of the entire state, in any year, and shall have no device or emblem, selected and certified as required by this chapter, to distinguish such candidates, it shall be the duty of the secretary of state to select a device or emblem for that purpose, and such device or emblem so chosen shall be used to distinguish all candidates of that party or independent body throughout the state, whether such candidates are nominated for state or local offices; and if any certificate of nomination of candidates to be voted for by the voters of a district less than the entire state shall be filed with the secretary of state, or with any public officer pursuant to this article, by an independent body, or if nominations for such offices be made by a party, which independent body or party shall have made no nomination of candidates for offices to be filled by the voters of the entire state, and such independent certificate of nomination shall omit or the state committee of such party shall

have omitted to select a device or emblem to distinguish the candidates thus nominated, it shall be the duty of the secretary of state or other public officer with whom an independent certificate of nomination for such offices is required by this chapter to be filed to select a device or emblem to represent such candidates. [*As amended by chap. 820, Laws of 1913.*]

**§ 127. Places of filing independent certificates of nomination.** Independent certificates of nomination of candidates for office to be filed by the voters of the entire state, or of any division or district greater than a county, shall be filed with the secretary of state, except that each such certificate of nomination of a candidate for member of assembly for the assembly district composing the counties of Fulton and Hamilton shall be filed in the office of the board of elections of Fulton county, and a copy thereof certified by the board of elections of Fulton county shall be filed in the office of the board of elections of Hamilton county, so long as the said counties constitute one assembly district, and except that such certificates of nomination of candidates for offices to be filled only by the voters or a portion of the voters of the city of New York shall be filed with the board of elections of the city of New York.

Independent certificates of nomination of candidates for offices to be filled only by the votes of voters, part of whom are of New York city and part of whom are of a county not wholly within the city of New York, shall be filed with the board of elections of such county and in the office of the board of elections of said city. Such certificates of nomination of candidates for offices of any other city, to be elected at the same time at which a general election is held shall be filed with the board of elections of the county in which such city is located. Such certificates of nomination of candidates for offices of a city, village or town to be elected at a different time from a general election shall be filed with the clerk of such city, village or town, respectively.

In towns in which town meetings are held at the time of general elections, independent certificates of nomination of candidates for town offices shall be in duplicate, one of which shall be filed with the town clerk of the town in which such officers are to be voted for, and the other with the board of elections of the county in which such town is located. All other independent certificates of nomination shall be filed with the board of elections of the county in which the candidates so nominated are to be voted for.

All such filed certificates and corrected certificates of nomination, all objections to such certificates and all declinations of nomination are hereby declared to be public records; and it shall be the duty of every officer or board to exhibit without delay every such paper to any person who shall request to see the same. It shall also be the duty of each such officer or board to keep a book which shall be open to public inspection, in which shall be correctly recorded the names of all candidates nominated by independent certificates issued by or filed in the office of such officer or board or certified thereto, the title of the office for which any such nomination is made, the name and emblem of the independent body making such nomination, and in which shall also be stated all declinations of such nominations, or objections to such nominations, and the time of filing each of the said papers. [*As amended by chap. 891, Laws of 1911, and chap. 820, Laws of 1913.*]

**§ 128. Times of filing independent certificates of nomination.** Independent certificates of nomination required to be filed with the secretary of state shall be filed not earlier than the sixth Tuesday, and not later than twenty-five days before the day of general election. All other independent certificates of nomination, except those required to be filed with village clerks and with town clerks of towns in which town meetings are held at a time other than the time of general elections, shall be filed not earlier than the sixth Tuesday and not later than twenty days before the day of general election. Independent certificates of nomination required to be filed with village clerks and with town clerks of towns in which town meetings are held at a time other than the time of general elections shall be filed at least ten, and not more than twenty days before the day of election.

In case of a special election ordered by the governor under the provisions of section two hundred and ninety-two of this chapter, independent certificates of nomination for the office or offices to be filled at such special election shall be filed with the proper officers or boards not less than ten days before such special election. [*As amended by chap. 891, Laws of 1911, and chap. 820, Laws of 1913.*]

**§ 129. Certification of nominations by secretary of state.** The secretary of state shall, fourteen days before the election, or nine days before a special election, certify to the board of elections of each county, and to the board of elections of the city of New York, the name, residence and place of business, if

any, of each candidate either nominated in any certificate so filed with him, or to whom he has issued a certificate, for whom the voters of any such county or said city, respectively, may vote, the title of the office for which he is nominated, the party or other political name specified in such certificate, and the emblem or device chosen to represent and distinguish the candidates of the political party or independent body making such nominations. [*As amended by chap. 891, Laws of 1911.*]

**§ 130. Publication of nominations.** At least six days before an election to fill any public office the board of elections of each county, except those counties which are wholly within the city of New York, shall cause to be published in not less than two nor more than four newspapers within such county, one of which shall be a daily newspaper, if a daily newspaper is published in such county, and in any county having one hundred thousand or more inhabitants, adjoining a city having a population of one million or more, in not less than six nor more than ten newspapers, a list of all nominations of candidates for offices other than town offices to be filled at such election, certified to such board by the secretary of state, or filed with such board or certified by such board. The board of elections of the city of New York shall, within the same time before an election to fill any public office, cause to be published in two newspapers published in each borough within such city a list of the nominations of candidates for office to be voted for at such election in such boroughs respectively which were certified to such board by the secretary of state, or filed in the office of such board, or certified by such board and in the borough of Brooklyn the board of elections shall cause such publication to be made in the newspapers designated as corporation newspapers of said borough and in one daily newspaper published in the Jewish language.

Such publication shall contain the name and residence, and if a city, the street number of the residence and place of business, if any, and the party or other designation of each candidate, and a fac simile of the emblems or devices selected and designated as prescribed by this article, to represent and distinguish the candidates of the several political parties or independent bodies. The city clerk of each city except New York, and the board of elections of the city of New York, shall at least six days before an election of city officers thereof, held at a different time from a

general election, cause like publications to be made as to candidates for offices to be filled at such city election in a like number of newspapers published in such city.

One of such publications shall be made in a newspaper which advocates the principles of the political party that at the last preceding election for governor cast the largest number of votes in the state for such office; and another of such publications shall be made in a newspaper which advocates the principles of the political party that at the last preceding election for governor cast the next largest number of votes in the state for such office. The officer or board, in selecting the papers for such publications, shall select those which, according to the best information he can obtain, have a large circulation within such county or city. In making additional publications, the officer or board shall keep in view the object of giving information, so far as possible, to the voters of all political parties. The officer or board shall make such publication twice in each newspaper so selected in a county or city in which daily newspapers are published; but if there be no daily newspaper published within the county, one publication only shall be made in each of such newspapers. Should the board of elections or other officer find it impracticable to make the publication six days before election day in counties where no daily newspaper is printed, he shall make the same at the earliest possible day thereafter, and before the election. [*As amended by chap. 891, Laws of 1911, and chap. 673, Laws of 1915.*]

**§ 131. Lists for town clerks and aldermen.** The board of elections of each county, except those counties which are wholly within the city of New York, shall at least six days before election day send to the town clerk of each town, and to an alderman of each ward in any city in the county, at least five and not more than ten printed lists for each election district in such town or ward, containing the name and residence, and if in a city, the street number of residence, and place of business, if any, of all candidates whose certificates of nomination have been filed with or issued by it or been certified to it, and the party or other designation, and also a fac simile of the emblem or device of each political party or independent body nominating candidates to be voted for by the voters of the respective towns and wards. Such lists shall at least three days before the day of election be conspicuously posted by such town clerk or alderman in one or more public

places in each election district of such town or ward, one of which lists shall be so posted at each polling place. [*As amended by chap. 891, Laws of 1911.*]

**§ 132. Posting town and village nominations.**

Each town and village clerk shall cause at least ten copies of a like list of all nominations to office filed with him for an election to be held at a time other than the day of the general election, to be conspicuously posted in ten public places in the town or village, at least one day before the town meeting or village election, one of which copies shall be so posted at each polling place of such town meeting or village election.

**§ 133. Declination of nomination.** The name of a person nominated for an office otherwise than by an official primary election, shall not be printed on the official ballot if he notifies the board or officer with whom the original certificate of his nomination is filed, in a writing signed by him and duly acknowledged, that he declines the nomination, or if nominated by more than one political party or independent body, the name of a person so nominated shall not be printed on the ticket of a party or independent body whose nomination he shall in like manner decline. If the declination be of a nomination filed with the secretary of state, such notification shall be given at least twenty days before the election. If the declination be of a nomination filed with a board of elections of any county and in the counties within the city of New York with the board of elections of the city of New York, or with the city clerk of any city, such notification shall be given at least eighteen days before the election. If the declination be of a party nomination filed with a town or village clerk, such notification shall be given at least ten days, and if of an independent nomination at least seven days before the election; except that a declination of nomination to a town office in towns where town meetings are held at the time of general elections, must be filed in the office of the board of elections, within the time required by this section for filing the declination of nomination to a county office, and the board of elections shall forthwith notify the town clerk in writing of such declination.

When a person who was not designated for nomination at an official primary election receives a nomination for public office at such primary, it shall be the duty of the board or officer with whom designations for nomination to such office are required by

this chapter to be filed to forthwith notify, by mail, such person of his nomination. A person nominated as aforesaid, without designation, at an official primary, may decline such nomination not later than the seventh day after the day of the primary at which he was nominated, by filing his written declination thereof, signed by him and duly acknowledged, with the board or officer with whom designations for nomination to such office are required by this chapter to be filed.

The board or officer to whom such notification is given shall forthwith inform by mail or otherwise the committee appointed on the face of such certificate as provided by sections one hundred and twenty-one and one hundred and twenty-three of this chapter, that the nomination has been declined, and if such declination be filed with the secretary of state, such officer shall also give immediate notice by mail or otherwise that such nomination has been declined, to the several boards of elections or other officers authorized by law to prepare official ballots for election districts affected by such declination. [*As amended by chap. 891, Laws of 1911, and chap. 820, Laws of 1913.*]

### **§ 134. Objections to certificates of nomination.**

A written objection to any certificate of nomination may be filed with the officer with whom the original certificate of nomination is filed within three days after the filing of such certificate, excepting that if by any independent certificate of nomination any person is nominated who is at the time or shall be after the filing of such independent certificate of nomination, the candidate of a political party for the same office and the party certificate has been filed after the filing of the independent certificate of nomination, the written objection to the independent certificate of nomination may be filed within three days after the filing of such party certificate; and if written objections to such independent certificate of nomination have been already filed by the same or some other person and shall have been heard and determined or heard and not determined, there shall be a new hearing upon all the objections so filed, the written objections to an independent certificate of nomination filed after the filing of a party certificate as herein provided may contain all objections to such independent certificate notwithstanding the same or some other person has already filed objections to such certificate. If such objection be filed, notice thereof shall be given forthwith by mail to the committee, if any, appointed on the face of such certificate for the purposes specified

in section one hundred and thirty-five of this article, and also to each candidate placed in nomination by such certificate. The question raised by such written objection shall be heard and determined as prescribed in section one hundred and twenty-five of this article. [*As amended by chap. 649, Laws of 1911.*]

**§ 135. Filling vacancies in nominations.** If a nomination made otherwise than by an official primary election is duly declined, or the attempt to nominate at a primary results in a tie, or a candidate regularly nominated otherwise than by an official primary election dies before election day, or is found to be disqualified to hold office for which he is nominated, or if any certificate of nomination is found to be defective but not wholly void, the committee appointed on the face of such certificate of nomination, as provided by sections one hundred and twenty-one and one hundred and twenty-three of this chapter, may make a new nomination to fill the vacancy so created, or may supply such defect, as the case may be, by making and filing with the proper officer a certificate setting forth the cause of the vacancy or the nature of the defect, the name of the new candidate, the title of the office for which he is nominated, the name of the original candidate, the name of the political party or other nominating body which was inscribed on the original certificate, and such further information as is required to be given by an original certificate of nomination; except that where a certificate is filed pursuant to this section to fill a vacancy, it shall not be lawful to select a new name or emblem, but the name and emblem chosen to distinguish the candidate nominated by the original certificate shall be used to distinguish the candidate nominated as provided by this section. [*As amended by chap. 891, Laws of 1911, and chap. 820, Laws of 1913.*]

**§ 136. Certificates of new nominations.** The certificate so made shall be subscribed and acknowledged by a majority of the members of the committee, and the members of the committee subscribing the same shall make oath before the officer or officers before whom they shall severally acknowledge the execution of the said certificate that the matters therein stated are true to the best of their information and belief. Except in case of the death of a candidate after the official ballots have been printed and before election day, the said certificate shall be filed in the office in which

the original certificate was filed, at least five days before election, if filed in the office of a town or village clerk; otherwise at least fifteen days before the election; and upon being so filed shall have the same force and effect as an original certificate of nomination. When a new certificate of nomination is filed with the secretary of state, he shall, in certifying the nomination to the various boards and officers, insert the name of the person who has been thus nominated, instead of that of the candidate nominated originally, or, if he has already sent forward his certificate, he shall forthwith certify to such boards and other officers the name of the person newly nominated, and such other facts as are required to be stated in such certificate. [*As amended by chap. 891, Laws of 1911, and chap. 820, Laws of 1913.*]

**§ 137. Death of candidate after printing of ballots; official pasters.** In case of the death of a candidate after the official ballots have been printed, and before election day, the vacancy may be filled by filing the proper certificate of nomination of a candidate to fill such vacancy, with the officer or board with whom the original certificate was filed, or by whom it was issued, and if filed with the secretary of state, the secretary of state shall immediately give the necessary notifications, and it then shall be the duty of the officer or board furnishing the official ballots to prepare and furnish to the inspectors of election in the election districts affected adhesive pasters containing the name of the candidate nominated to fill the vacancy. The pasters shall be of plain white paper, printed in plain black ink and in the same kind of type as that used in printing the names of the candidates upon the official ballots, and shall be of a size as large as and no larger than the space occupied upon the official ballot by the name of the candidate in whose place the candidate named upon the paster has been nominated. If, however, the deceased shall be the candidate of several parties or bodies, and they shall not nominate the same candidate as his successor, a paster shall be prepared which shall contain the entire matter to be contained in the section on which such deceased candidate's name appears, and shall be pasted over the whole section and shall supersede it.

Whenever such pasters are provided, the officer or board furnishing them shall certify to the inspectors of election in the election districts affected by the vacancy, the name of the original candidate, the name of the new nominee, the title of the office for which the nomination is made, and the name of the political

party or independent body making the nomination, and shall state the number of pasters furnished which number shall be equal to the number of official ballots furnished for such district. Upon the delivery of said pasters, the inspectors of election shall sign a receipt for the same, which receipt shall be retained by the officer or board furnishing the pasters, and shall be part of the record of his or their office. The inspectors shall deliver the pasters to the ballot clerks, who are required to affix one of such pasters in the proper place and in a proper manner upon each official ballot before said ballot shall be delivered to a voter. When so affixed to the official ballot, the pasters shall be part of the official ballot. The ballot clerks shall include in their statement of ballots a statement showing the number of pasters received by them, the number of pasters affixed to official ballots and the number of unused pasters returned by them, the unused pasters to be inclosed in the package of ballots not delivered to voters.

The use of any paster upon the official ballot otherwise than as herein provided is hereby declared a felony, punishable by imprisonment in a state prison for not less than one nor more than five years. [*As amended by chap. 891, Laws of 1911, and chap. 821, Laws of 1913.*]

## ARTICLE 6

### Registration of Voters

Section 150. Meetings for registration.

151. <sup>10</sup>Additional meetings for registration.

152. Conduct of meetings; watchers.

153. Adding and erasing names on register.

154. Register of voters.

155. Register; how arranged.

156. <sup>10</sup>Register where personal registration is not required.

157. Preparation and distribution of registry lists; investigation of false registration.

158. Registration in cities and in villages of five thousand inhabitants.

159. Registration elsewhere.

160. Registration for other than general elections.

161. Registration for town or village elections.

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<sup>10</sup> Section repealed by chap. 649, Laws of 1911.

- Section 162. Qualifications of voters.
163. Gaining or losing a residence.
164. Illiterate and disabled voters.
165. Change of residence within election district.
166. Registration days not holidays.
167. Preparation of challenge affidavits.
168. Form of challenge affidavits.
169. Challenging applicants for registration.
170. Investigation into truth of affidavits.
171. <sup>10a</sup>Duplicate book of challenge affidavits.
172. Disposition of challenge affidavits.
173. Entry requiring challenge by inspectors.
174. Production of naturalization papers.
175. Persons excluded from the suffrage.
176. Certification of register.
177. Making up the registers; custody thereof after registration.
178. Custody and filing of registers after registration in cities of first class.
179. Certifying changes in registers.
180. Custody of registers after election.
181. Certifying number of registered voters.
182. Delivery of blank books for registration; certificates and instructions.
- 182-a. \*Special instructions to voters to be prepared for the year nineteen hundred and fourteen.
183. Delivery of previous registers and poll books to inspectors.
184. Penalties.

**§ 150. Meetings for registration.** 1. Except as otherwise herein provided, before every general election, the board of inspectors for each election district in every city, and in villages having five thousand inhabitants or more, shall hold four meetings for the registration of the electors thereof, at the place designated therefor, to be known respectively as the first, second, third and fourth meetings for registration. The said meetings shall be held on the fourth Friday, fourth Saturday and the third Friday and third Saturday before such election. Each meeting shall begin at seven o'clock in the forenoon, and continue until

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<sup>10a</sup> Repealed by chap. 244, Laws of 1914.

\* Added by chap. 243, Laws of 1914.

ten o'clock in the evening. In all election districts other than in cities or villages having five thousand inhabitants or more, the board of inspectors of election for each such election district shall hold two meetings for the registration of voters thereof, at the places designated therefor, before each general election, namely, on the fourth and third Saturdays before the election, to be known respectively as the first and second meetings for registration, which meetings shall begin at seven o'clock in the forenoon and continue until ten o'clock in the evening.

2. In a city having more than one million inhabitants, the board of inspectors for each election district shall hold six meetings for the registration of the electors thereof before each general election. Such meetings shall begin on Monday the twenty-ninth day before such election and continue on each day of the same week up to and including Saturday. On each day except Saturday the meeting shall begin at half past five o'clock in the evening, and on Saturday at seven o'clock in the morning. All such meetings shall continue until half past ten o'clock in the evening. [*As amended by chap. 649, Laws of 1911, chap. 800, Laws of 1913, and chap. 678, Laws of 1915.*]

**§ 151. Additional meetings for registration.** If a special election be called by the governor or a special or other election be appointed by or pursuant to law for a time other than the day of general election, the inspectors of election of the various election districts in the political subdivision for which such special or other election is to be held shall meet in their respective districts on the second Saturday preceding such election, from eight o'clock in the forenoon to ten o'clock in the evening, for the purpose of revising and correcting the register of voters as provided in this article. [*Added by chap. 537, Laws of 1916.*]

**§ 152. Conduct of meetings; watchers.** No inspector shall on any day for registration be absent during the hours fixed for registering the names of electors. Each political party or independent body duly filing or entitled to file certificates of nominations of candidates for offices to be filled at any such election may, by a writing signed by the duly authorized county, city, town or village committee of such political party or independent body, or by the chairman or secretary thereof charged with that duty, and delivered to and filed with one of the inspectors of election, appoint not more than two watchers to attend any meeting or meetings of inspectors for an election district held for the registration of elect-

ors thereof. Each watcher must be a qualified elector of the county in which the election district for which he is appointed a watcher shall be located, provided that women who are citizens and residents of the county, and of the age of twenty-one years, may act as watchers, with full rights and privileges of such office, at any meeting or meetings, of inspectors for an election district held for the registration of electors thereof, immediately preceding any election whenever held at which a woman suffrage constitutional amendment is to be submitted to the voters except that but one woman watcher for, and one woman watcher opposed to, the adoption of such amendment shall be permitted in each election district. Such watchers may be present at such polling place, and within the guard-rail, from at least fifteen minutes before the commencement of the said meeting until after the completion of the duties of the board of inspectors for that day of registration. [*As amended by chap. 428, Laws of 1910, chap. 649, Laws of 1911, and chap. 242, Laws of 1914.*]

**§ 153. Adding and erasing names on register.** If the board of inspectors at any meeting for the registration of electors shall have neglected or refused to place upon the register of electors the name of any person who is entitled to have his name placed thereon, application may be made to the supreme court, or any justice thereof in the judicial district in which such election district is located, or of a county adjoining such judicial district, or to a county judge of the county in which such election district is located, for an order to place such name upon the register of electors; and such court, justice or judge may, upon sufficient evidence, and upon such notice of such application, of not less than twenty-four hours, to the board of inspectors and such other persons interested, as the court, justice or judge may require, order such inspectors to convene as a board of registration on the second Saturday before such election, and to add the name of such person to such register of electors, and such register shall be corrected accordingly; but no court, justice or judge shall order the name of any person to be added to the register of electors unless it shall have been omitted therefrom through the fault, error or negligence of the election officers. In case the name of any person who will not be qualified to vote in such election district, at the election for which such registration is made, shall appear upon such register, application may be made in like manner by any elector of the town or city in which such election district is located or by the state superintendent of elections or any

deputy state superintendent of elections to any court, justice or judge hereinbefore designated, for an order striking such name from the register, and such court, justice or judge may, upon sufficient evidence, and upon such notice of such application, of not less than twenty-four hours, to the person interested as the court, justice or judge may require, served either personally or by depositing the same in the post-office addressed to said person by his name, and at the address which appears in the register certified by the inspectors of election order such board to strike such name from such register of voters, and such register shall be corrected accordingly. In all applications to strike the names of voters from the register under this section an affidavit by the state superintendent of elections or any of his deputies when duly deputed by the state superintendent of elections for that purpose, that investigation was made by him pursuant to the provisions of section four hundred and seventy-five of this chapter, and that the affiant did visit and inspect the premises claimed by the voter as his residence, and did interrogate an inmate, house dweller, keeper, caretaker, owner, proprietor or landlord thereof or therein as to the said voter's residence therein or thereat, and that the said affiant was informed by one or more of said persons, naming them, that they were acquainted with and knew the persons residing therein or thereat, and that the voter did not reside at said premises thirty days before election, shall be presumptive evidence against the right of the voter to register from such premises, and in case the court, justice or judge direct that service of the order to show cause may be made by depositing the same in the post-office, such service shall not be complete until a copy of the order to show cause shall also have been served upon the custodian of primary records for the political subdivision in which such election district is located, and upon the chairman of each political committee for the political subdivision in which such election district is located. If upon the hearing of such application the court, justice or judge shall decide that the name of the elector shall be stricken from the register, the order of the court, justice or judge shall direct that the board of elections shall cause such name to be stricken from the register and also from the books of enrollment if it appears therein. In case the elector has, through no fault or neglect of his own, been registered in a wrong election district, the court may, upon proper proof, direct that his name be stricken from the register of the district in which he is not a qualified elector and,

if he is a qualified elector in an adjoining election district, may direct that his name be added to the register of electors in the election district in which he is a qualified elector. No application to add a name to or strike a name from the register shall be made after a day at least two days prior to the second Saturday before election. [*As amended by chaps. 649 and 740, Laws of 1911, chap 820, Laws of 1913, and chap 537, Laws of 1916.*]

**§ 154. Register of voters.** The board of inspectors of each election district in the state shall, at their meetings for registration for the general election in each year, make a quadruplicate register—one copy by each inspector—in the forms hereinafter prescribed, of those persons, and none other, who are or will be qualified to vote in such district at such election, which register when finally completed, shall be the register of voters of the district for such election. Such register shall also be used at all other elections held in such district during the year succeeding the election for which it is made, except for town meetings and village elections for which no registration is required.

**§ 155. Register; how arranged; signature law. 1.** This subdivision shall apply to election districts outside of a city having more than one million inhabitants. In all such election districts the register shall be arranged in twenty-four columns, except that in election districts in which personal registration is not required it shall consist of twenty-three columns, of which the first twenty-one columns shall be the same as in the registers for election districts in which personal registration is required. The leaves of the register shall be indexed from A to Z. In the first column of such register there shall be entered, at the time of the completion of the registration on the last day for registration, a number opposite the name of each person so enrolled, beginning with "one" opposite the first name entered in the page indexed A and continuing in numerical order to and including the last name entered upon the last page of such register. On each day of registration there shall be entered in the second column thereof the surname of such persons in the alphabetical order of the first letter thereof, on the page bearing the index letter of such surname and in the third column the christian name or names of such persons respectively. In the fourth column shall be entered the residence number or other designation, and in the fifth column the name of the street or avenue of such residence or a brief description of the locality.

thereof. In the sixth column shall be entered the number of the floor or room occupied by the elector at the residence given by him, and in the seventh column shall be entered the full name of the householder, tenant, subtenant or apartment-lessee with whom the elector resides, and in the eighth column shall be entered his age, in the ninth, tenth and eleventh columns shall be entered his length of residence by years, months and days as the case may be, in the state, county and election district, respectively; and in the twelfth column shall be entered the country of his nativity which shall mean the country, state or province of the elector's birth, irrespective of his former political allegiance. In the thirteenth column, if he be a naturalized citizen, shall be entered the date of the naturalization certificate under which he claims citizenship and in the fourteenth column shall be entered the designation of the court issuing such naturalization certificate. In the fifteenth, sixteenth, seventeenth and eighteenth columns shall be entered respectively the name of the state, the city or town, and the street number and the name of the street or avenue of the residence of such person from which such person last registered or voted, and the year in which he last registered or voted. In the nineteenth column shall be entered the date of the registration of the elector. In the twentieth column shall be entered if the elector is in business for himself or with others the name under which he is so in business, or, if the elector is employed by some other person, the name of his present employer. If he is not in business and has no employment, the word "none" shall be entered, together with the name under which he was last in business or the name of his last employer, if any. In the twenty-first column shall be entered the street and number, or if it has no street number, a brief description of the location of the place, if any, where he is so in business or employed, or, if unemployed, the place, if any, where he was last in business or employed. The information required to be stated in the twentieth and twenty-first columns shall only be asked in the event that the person offering to register shall not have registered in the same county in the general election immediately preceding. The twenty-second column of the register of any election district in which personal registration is required shall be reserved for the signature, at the time of registration, of any elector who registers personally in any such district, or in case such elector alleges his inability to write, for entering therein the number of the "identification statement for registration day" made by such elector as

hereinafter provided. Above each horizontal line in the said twenty-second column shall be printed the words "the foregoing statements are true" and the elector shall at the time of personal registration, sign his name by his own hand and without assistance, using an indelible pencil or ink, below such words on the horizontal line in the register of electors, which register shall be known as the "signature copy." Said signature copy shall be one of the registers, other than the public copy, which signature copy shall be kept by an inspector of opposite political faith from the chairman, and shall be used at the polls on election day. The twenty-third column, or, in the register for an election district in which personal registration is not required, the twenty-second column, shall be reserved for entering the consecutive number on the stub of the official ballot, voted by the elector on election day. In the twenty-fourth column, or, in the register for an election district in which personal registration is not required, the twenty-third column, shall be entered, opposite the name of each elector, under the heading "remarks" the facts regarding challenges, oaths and other facts affecting such elector required to be recorded, including, in the case of a person not required to register personally who did in fact so register, the word "personal."

2. This subdivision shall apply only to election districts within a city having more than one million inhabitants. In all election districts in any such city, the register shall be arranged in twenty-nine (at the general election preceding a presidential primary, thirty) columns, and the leaves thereof shall be indexed from A to Z. The first column of the register shall be entitled "Registration No. of Voters," and in such column shall be entered at the time of the completion of the registration on the last day for registration, a number opposite the name of each person so registered, beginning with "one" opposite the first name entered in the page indexed A and continuing in numerical order to and including the last name entered upon the last page of such register. Columns two to twenty-four inclusive shall be filled in on each day of registration as each voter is registered, and the remaining columns at the times respectively provided. All such columns shall be appropriately entitled to indicate their purpose. In the second column shall be entered the date of the registration of each voter. In the third column shall be entered the surname of such persons in the alphabetical order of the first letter thereof, on the page bearing the index letter of such surname. In the fourth column shall be entered the christian or given name or names of such persons respectively. In the fifth and sixth columns shall be entered the

residence number or other designation, and the name of the street or avenue of such residence or a brief description of the locality thereof. In the seventh column shall be entered the number of the floor or room occupied by the elector at the residence given by him. In the eighth column shall be entered the full name of the householder, tenant, subtenant or apartment lessee with whom the elector resides. In the ninth column shall be entered the elector's age. In the tenth, eleventh and twelfth columns shall be entered the length of the elector's residence by years, months and days as the case may be, in the state, county and election district, respectively. In the thirteenth column shall be entered the country of his nativity, which shall mean the country, state or province of the elector's birth, irrespective of his former political allegiance. In the fourteenth and fifteenth columns, if the voter be a naturalized citizen, shall be entered the date of the naturalization certificate under which he claims citizenship and the court issuing such naturalization certificate. In the sixteenth, seventeenth, eighteenth and nineteenth columns shall be entered respectively the name of the state, the city or town, the street number and the name of the street or avenue of the residence of such person from which such person last registered or voted, and the year in which he last registered or voted. In the twentieth column shall be entered, if the elector is in business for himself or with others, the name under which he is so in business, or, if the elector is employed by some other person, the name of his present employer. If he is not in business and has no employment, the word "none" shall be entered, together with the name under which he was last in business or the name of his last employer, if any. In the twenty-first column shall be entered the street and number, or if it has no street number, a brief description of the location of the place, if any, where he is so in business or employed, or, if unemployed, the place, if any, where he was last in business or employed. The twenty-second column shall be reserved for the signature of any elector who registers personally, at the time of registration, or, in case the elector alleges his inability to write, for entering therein the number of the "identification statement for registration day" made by such elector as hereinafter provided. Above each horizontal line in the said twenty-second column shall be printed the words "the foregoing statements are true" and the elector shall at the time of personal registration, sign his name by his own hand and without assistance, using an indelible pencil or pen and ink, below such words on the horizontal line in the register of electors,

which register shall be known as the "signature copy." Said signature copy shall be one of the registers, other than the public copy, which signature copy shall be kept by an inspector of opposite political faith from the chairman, and shall be used at the polls on election day. In the twenty-third column the person who has personally made the entries aforesaid in registering the voter shall sign his own initials in evidence thereof, which signature must be made at the same time that the voter is registered. In the twenty-fourth column shall be entered the number on the enrollment blank which is given to the voter to enable him to enroll in a party as provided in article two of this law. The twenty-fifth column shall be reserved for the entry of the name of the party, if any, in which the voter enrolls, or other statement, as provided in said article two of this law. The twenty-sixth column shall be entitled "No. of Stub, Election Day," and shall be reserved for entering therein the consecutive number on the stub of the official ballot or set of ballots voted by such voter on election day. The twenty-seventh column shall be entitled "No. of Stub, 1st Primary," and shall be reserved for entering therein the consecutive number on the stub of the official ballot cast by such voter at the first official primary, whether spring or fall, following the general election for which such registration was made. The twenty-eighth column shall be entitled "No. of Stub, 2d Primary," and shall be reserved for entering therein the consecutive number on the stub of the official ballot cast by such voter at the next succeeding official primary held prior to the next enrollment, or, should an unofficial primary be held, for the entry of the word "Yes" to indicate that such voter voted at such primary. In preparing the registers for the general election next preceding a presidential election an additional column (the twenty-ninth in such case) shall be included, entitled "No. of Stub, 3rd Primary," and shall be reserved for use at a third primary, if any, as above provided for a second primary in other years. The last column in the register shall be entitled "Remarks regarding challenges, oaths, and other facts required to be recorded," and in such column shall be entered, opposite the name of each voter, with the date of each such entry, such record of challenges, oaths, and other facts relating to him as this law requires to be entered in the register and are not otherwise provided for.

3. The provisions of this subdivision shall apply to all election districts in which the registration of electors is required to be personal. If the elector alleges his inability to so sign in the

eases provided for in either of the foregoing subdivisions, one of the inspectors, designated by the chairman, shall read to the elector the following list of questions from a book to be furnished said inspector and to be known as "identification statements for registration day," and said inspector shall write down in said book the answers of the elector to said questions: What is your true name? What is or was your father's full name? What is or was your mother's full name? What is your occupation? What is the name of your present employer? If unemployed, what is the name of your last employer? Where is or was his place of business? Are you married or single? Where did you actually reside immediately prior to taking up your present residence; state floor and character of premises? At the bottom of each list of questions shall be printed the following statement: "I certify that I have read to the above named elector each of the foregoing questions and that I have truly recorded his answers as above to each of said questions," and said inspector who has made the above record shall forthwith sign his name to said certificate and date the same. The above questions shall be printed on separate sheets of paper which shall be furnished said inspector bound together in book form and numbered consecutively, and the number corresponding to the number on each sheet containing said list of questions shall be entered when the questions have been answered, in the twenty-second column, in the register of electors in which the electors registering have signed their names. Said book of "identification statements for registration day" shall be kept at all times with the register in which the electors sign their names as hereinbefore provided. A sufficient number of identification statements for registration and election days, bound in book form shall be furnished to each board of inspectors in the same manner as the registration and poll-books are now furnished to said boards of inspectors. The lines in the registers and poll-books for election districts in which the registration of electors is required to be personal shall be one-half inch apart.

4. Each page of the registers and poll-books for any election district in the state shall in every case be consecutively numbered. [As amended by chap. 428, Laws of 1910, chap. 649, Laws of 1911, chap. 678, Laws of 1915, and chap. 537, Laws of 1916.]

**§ 157. Preparation and distribution of registry lists; investigation of false registration.** The board of inspectors of each election district shall, immediately after the close of the last day of registration, make and complete one list of all

persons registered in their respective districts, in the numerical order of the street numbers thereof, which list shall be signed and certified by the board of inspectors. Such list shall be delivered by the chairman of the board of inspectors to the police captain of the precinct, if any, in which the election district is located, or an officer thereof, or to the town clerk, who shall forthwith deliver the same to the board of elections in the county in which such election district is located. The board of elections of each county containing a city of the first or second class and the board of elections of the city of New York shall, as soon as possible after the delivery of such lists, and not less than six days prior to the day of election, print in pamphlet form for each ward of any such city within their respective counties, or for each assembly district in the city of New York, not less than twenty-five times as many copies of said registration lists as there are election districts in such assembly district or ward, so that each assembly district or ward pamphlet shall contain the lists of the several election districts in such assembly district or ward. Upon the written application of the chairman of the executive committee of the county committee of any political party whose candidates are entitled to a place upon the official ballot to be voted at the election for which the registration is made, the board of elections of such city or of any such county, as the case may be, shall respectively deliver to such chairman five copies of each assembly district or ward pamphlet for each election district within such city, or, in the city of New York, within each assembly district of the county which such county committee represents. Two pamphlets containing the lists of the registered persons in the election districts within his precinct shall be furnished to each police captain in all such cities. It shall be the duty of every police captain in every city of the state to forthwith cause an investigation of each name registered in his precinct to be made and report to the state superintendent of elections at his office in such city or at such other office as such superintendent may in writing designate any case of false registration there found. In any city of the state in which registration lists are not printed, including third class cities, it shall be the duty of the board of elections of the county or of such city to afford necessary facilities, including clerical assistance, to every such police captain in transcribing the whole or any part of the registration lists in aid of the duty of investigation imposed on him under the provisions of this section. The board of elections in each county shall furnish to the

state superintendent of elections three copies of each pamphlet printed by it. The remaining pamphlets so printed shall be distributed in the discretion of the said boards, which shall have respectively the power to charge for each pamphlet a sum not exceeding ten cents a copy, and any moneys resulting from the sale thereof shall be paid to the comptroller of the city of New York or county treasurer of the county for the benefit of the treasury of such city or county. The boards of election shall contract for the printing of such lists of registered electors with whomsoever it may seem to said board to be most advantageous to so contract, but such contract shall only be awarded after proper public notice and to the lowest bidder.

Such lists shall be made and printed as near as may be in the following form, to wit:

### GRAND STREET.

Residence number or  
other designation.

14

15

Name of elector.

Smith, John M.

Jones, Charles M.

[*As amended by chap. 649, Laws of 1911, chaps. 800 and 821, Laws of 1913, chap. 678, Laws of 1915, and chap. 537, Laws of 1916.*]

**§ 158. Registration in cities and in villages of five thousand inhabitants.** In cities and villages having five thousand inhabitants or more, the names of such persons only as personally appear before the inspectors, and who are or will be at the election for which the registration is made, qualified electors, shall be registered for a general election, except that whenever any election district in a village having five thousand inhabitants or more shall embrace within its boundaries territory without the limits of such village, the inspectors shall, at their first meeting for registration for a general election, place upon such register the names of all persons appearing on the register of the last preceding general election who resided without the limits of such village but within the election district and who voted at such last preceding general election, except the names of such electors as are proven to the satisfaction of such inspectors to have ceased to be electors since such general election or to have moved within the limits of such village. They shall also place upon such register, at their first and subsequent meetings, the names of all other

persons residing without the limits of the village and within such election district who may then appear before such inspectors and apply for registration and who are or who will be at the election for which the registration is made qualified electors, and also, at their first and subsequent meetings, the names of all persons not registered under the foregoing provisions who are known or proven to the satisfaction of the inspectors to be then or thereafter entitled to vote at such election and who reside within such election district but without the limits of such city or village. [*As amended by chap. 649, Laws of 1911, chap. 820, Laws of 1913, and chap. 537, Laws of 1916.*]

**§ 159. Registration elsewhere.** At the first meeting for registration in any election district where only two meetings for the registration of voters are held for any general election, as provided in section one hundred and fifty of this article, the inspectors shall place upon the register the names of all persons who voted at the last preceding general election, as shown by the register or poll book of such election, except the names of such voters as are proven to the satisfaction of such inspectors to have ceased to be voters in such district since such general election. They shall also place upon the register at their first and second meetings the names of all other persons who then appear before such inspectors and apply for registration and who are or will be, at the election for which the registration is made, qualified electors, and also, at their first and second meetings, the names of all persons not registered under the foregoing provisions who are known or proven to the satisfaction of the inspectors to be then or thereafter entitled to vote at such election. [*As amended by chap. 649, Laws of 1911, chap. 820, Laws of 1913, and chap. 537, Laws of 1916.*]

**§ 160. Registration for other than general elections.** At the meeting of the board of inspectors in a city or village having five thousand inhabitants or more, for revising and correcting the register for any election other than a general election, the inspector shall retain upon the register of their respective districts the names of all persons qualified to vote at such election in such district which appear upon the register of electors for the last preceding general election in such election district, except the names of such electors as are proven to the satisfaction of the inspectors to have ceased to be electors of such district since their names were placed upon such register, and shall, at such meeting, add only to such register the names of the

persons qualified as electors who shall personally appear before the board. If, however, such elector resides within such election district but without the limits of such village, his name shall be placed upon such register, if it is shown to the satisfaction of such board that he is entitled to vote therein.

In cities any elector who was registered in an election district of such city at the last preceding general election, and who since that time shall have removed into another election district in the same city, and who is otherwise qualified to vote at such special election, shall, upon demand, receive from the board of inspectors of the district in which he was registered for such last preceding general election a certificate duly signed by the said board of the fact that his name was upon such register and has been erased therefrom because of such removal, and his name shall thereupon be erased from such register. Upon presentation of such certificate by the elector to the board of inspectors of the election district in which he resides, his name shall be placed upon the register for such district. The inspectors must note upon the register opposite the name of such elector the fact of such removal, specifying the election district from which he has removed. They shall carefully attach such certificate to the register.

No elector shall cause his name to be placed upon the register of an election district for any election other than a general election, while his name shall appear upon the register of another district to be used at such election.

Any person who shall violate this provision is guilty of a felony, and upon conviction shall be punished by imprisonment in a state prison for not less than two nor more than five years.

In all election districts other than in cities or in villages of five thousand inhabitants or more, the board of inspectors in preparing for an election other than a general election shall add to the register for the last preceding general election the names of such electors as they know are or are satisfied by proof will be on the day of such election entitled to vote thereat, and shall strike therefrom the names of all persons who are known or are proven to their satisfaction to have ceased to be qualified electors of such election district. [*As amended by chap. 649, Laws of 1911.*]

### **§ 161. Registration for town or village elections.**

No registration of voters shall be required for town or village elections, except as provided in the village law, and except that when a town or village election is held at the same time with a

**general election** all voters in such town or village to be entitled to vote at such town or village election must be registered as provided by law for the registration of voters for any general election in such town or village. [*As amended by chap. 424, Laws of 1910.*]

**§ 162. Qualifications of voters.** A person is a qualified voter in any election district for the purpose of having his name placed on the register if he is or will be on the day of the election qualified to vote at the election for which such registration is made. A qualified voter is a male citizen who is or will be on the day of election twenty-one years of age, and who has been an inhabitant of the state for one year next preceding the election, and for the last four months a resident of the county, and for the last thirty days a resident of the election district in which he offers his vote. If a naturalized citizen, he must, in addition to the foregoing provisions, have been naturalized at least ninety days prior to the day of election. [*As amended by chap. 821, Laws of 1913, and chap. 678, Laws of 1915.*]

**§ 163. Gaining or losing a residence.** For the purpose of registering and voting no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this state, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any almshouse, or other asylum, or institution wholly or partly supported at public expense or by charity; nor while confined in any public prison. Any person claiming to belong to any class of persons mentioned and referred to in this section shall file with the board of inspectors at the time of registration a written statement showing where he is actually domiciled, his business or occupation, his business address, and to which class he claims to belong. Such statement shall be attached to the register, and be open for public inspection, and the fact thereof shall be noted in the register opposite the name of the person so registered.

**§ 164. Illiterate and disabled voters.** If, at any meeting for the registration of voters, any person entitled to be registered and of whom personal registration is required shall

declare to the board of inspectors at the time he applies for registration that he is unable to write by reason of illiteracy, or that he will be unable to prepare his ballot without assistance by reason of blindness, or of such degree of blindness as will prevent him, with the aid of glasses, from seeing the names printed upon the official ballot, loss of both hands, or such total inability of both hands that he can not use either hand for ordinary purposes, or that he will be unable to enter the voting booth without assistance by reason of disease or crippled condition, the nature of which he must specify, it shall be the duty of the said board of inspectors to administer an oath to such person in the following language, namely: "You do solemnly swear (or affirm) that you will be unable to prepare your ballot without assistance, because," and after the word "because," continuing with a statement of the specific disease or crippled condition assigned by the person as the cause of his alleged disability, and the said inspectors and each of them shall make a note upon the register of each instance in which such oath is administered, and of the cause or reason so assigned.

**§ 165. Change of residence within election district.**

If any voter after being registered shall change his place of residence within the same election district, he may appear before the board of inspectors of such district on any day of registration, or on the day of election, and state under oath that he has so changed his residence, and the board of inspectors shall thereupon make the proper correction upon the register of such district.

**§ 166. Registration days not holidays.** No part of a day fixed for the registration of voters shall be deemed a holiday so as to affect any meeting or proceeding of the board of inspectors for registration.

**§ 167. Preparation of challenge affidavits.** The secretary of state shall prepare and cause to be printed on good writing paper in book form wherever he deems it desirable for the best interests of the state, at least fifteen blank challenge affidavits for each election district in cities and at least ten such blanks for each election district outside of cities and shall transmit to each board of elections or other officer to whom or which he is required to deliver the register of voters, at the same time and in the same manner as such register of voters is transmitted, a sufficient number of such books of blank challenge affidavits as shall provide one

such book for each board of inspectors in each county, and such officers shall transmit the said books to the respective boards of inspectors in the same manner and at the same time as the register of voters. The secretary of state shall also furnish to such board such additional number of such books of challenge affidavits and copies thereof, as hereinafter provided, as in his judgment shall be necessary to replace lost or damaged books and to provide extra books to any election district in which the supply may be exhausted during the registration of voters. Such extra books shall be furnished by such board to the inspectors upon application by the inspectors or any citizen. [*As amended by chap. 244, Laws of 1914.*]

**§ 168. Form of challenge affidavits.** Each challenge affidavit shall have a stub attached thereto and separated from such affidavit by a perforated line with a space on such stub for writing the name and the address of the challenged person, and both the stub and affidavit shall bear the same printed number and shall be numbered in consecutive order in each book, beginning with number one. Such challenge affidavit shall be printed in the following form, to wit:

(Stub)

"Name of applicant .....  
Address . . . . .

(Perforated line)

### CHALLENGE AFFIDAVIT

State of New York }  
County of..... } ss:

Election District

Assembly District (or Ward)

City (or town) of .....

What is your true name? .....

Where do you actually reside? .....

Under what name are you known at that address?.....

Are you a householder? .....

What is the name of the householder with whom you reside?

.....

What is the character of the house in which you reside? (By

character is meant whether it is a hotel, lodging house, tenement, furnished room house, or private dwelling.).....

How old are you?.....

Where were you born?.....

If naturalized, give name of court issuing and date of certificate .....

What is your occupation?.....

What is the name of your present employer?.....

Where is his place of business?.....

What is the name of your last employer?.....

Where is or was the place of business?.....

When did you last register or vote?.....

From what address did you last register or vote?.....

City or town ..... Street and number.....

How long have you been an inhabitant of this state?.....

How long have you been a resident of this county?.....

How long have you been a resident of this election district?.....

Are you married or single?.....

If married, where does your family reside?.....

If single, where do your parents reside?.....

How long do you contemplate residing in this election district?.....

Give place or places by street and number, the city, town or village of your residence or residences during the past four months. ....

Where did you actually reside immediately prior to taking up your present residence? .....

Have you been convicted of felony?.....

If so, have you been pardoned and restored to all the rights of citizenship?.....

When? ..... By whom? .....

Have you made any bet or wager, or are you directly or indirectly interested in any bet or wager depending on the result of the next ensuing election?.....

Have you received or offered to receive, or do you expect to receive, any money or other valuable thing as a compensation or reward for registering or for giving your vote or refraining from voting at the next election?.....

Have you paid, offered or promised to pay, contributed, offered or promised to contribute, to another, to be paid or used, any

money or other valuable thing, or made any promise, to influence the giving or withholding of any vote at the next ensuing election? . . . . .

I, the undersigned, do hereby solemnly swear (or affirm) that the answers to the above questions were given by me and that they are true answers to such questions.

(Signature of applicant.) . . . . .

#### Description of applicant.

Height . . . . . Color of hair . . . . .

Weight . . . . . Hair on face . . . . .

Color . . . . . Kind of nose . . . . .

Marks on face or hands . . . . .

Distinguishing marks . . . . .

I, the undersigned, an inspector of election of the above designated election district, do hereby certify that the within named person did on this day personally appear before the board of inspectors of this election district and did make application to have his name enrolled upon the register of voters of this said election district; that he was challenged and was sworn by me and did make the answers set opposite the printed questions upon this affidavit and signed the same in my presence.

Dated this . . . . . day of October, 19..

Name . . . . . Residence . . . . .

Inspector of election . . . . .

(To be signed by the inspector administering oath to applicant.)

Witnesses.

Name . . . . . Residence . . . . . Inspector of Election.

Name . . . . . Residence . . . . . Inspector of Election.

Name . . . . . Residence . . . . . Inspector of Election.

(Board of inspectors.)

Name of challenger . . . . .

Residence of challenger . . . . ."

#### § 169. Challenging applicants for registration.

1. Any person who applies personally to any board of inspectors for registration for any election may be challenged by any qualified elector present or by any qualified watcher present.

2. If such applicant be so challenged, or if any member of the board of inspectors shall have reason to suspect that such applicant is not entitled to have his name registered, the chairman of the board of inspectors or any member of such board is hereby

authorized to and shall administer to such applicant the following oath: "You do solemnly swear (or affirm) that you will true answers make to the questions touching upon your qualifications as an elector and such other questions as may be put you tending to establish your identity," and one of the inspectors shall thereupon read to such challenged person each and every question printed upon the challenge affidavit provided for by section one hundred and sixty-eight and shall enter in ink opposite each question the answer thereto given by such applicant. The applicant shall subscribe his name to such challenge affidavit, which shall also be subscribed by the inspector administering the above oath and as witnesses by the other inspectors present, who shall certify over their names the fact that the applicant did apply for registration, that he was duly sworn, and that the answers set opposite the printed questions are the true answers given to such questions by the challenged applicant. The inspector shall also enter in the place provided on the challenge affidavit a description of the person challenged and the name and address of the person challenging. If the applicant shall by his answer satisfy a majority of the board of inspectors of his right to be registered, they shall register his name as an elector; if not, they shall point out to him the qualifications which he lacks as an elector and his name shall not be registered except as provided by section one hundred and fifty-three of this article, and upon any such proceeding the challenge affidavit of such applicant shall be submitted in evidence to such court, justice or judge. If the applicant shall refuse to make oath to the questions put to him and the answers given thereto by him or shall refuse to answer any questions upon the challenge affidavit, his name shall not be placed upon the register, or if recorded thereon previous to his ascertained qualification as an elector, the inspectors shall enter in the remark column after such name the word "disqualified," and no person shall be allowed to vote on such name at the election. When the name of a person who has signed a challenge affidavit shall be registered, the inspectors shall enter in the column headed "remarks" on the register opposite such name the word "affidavit," giving the consecutive number printed on such affidavit. [*As amended by chap. 428, Laws of 1910, and chap. 649, Laws of 1911.*]

**§ 170. Investigation into truth of affidavits.** At the close of each day of registration the inspectors of election shall

detach from the stubs the challenge affidavits signed by the persons challenged during the day and in cities shall deliver them to the police captain of the precinct in which the election district is located or to an officer thereof, and such police captain or commanding officer of such precinct shall immediately cause an investigation of the truth of such affidavit to be made, and if such investigation shall prove the same to be false in any particular affecting the right of the challenged person to register or vote, the said officer shall deliver the same to the district attorney of the county, together with the evidence of the falsity of such affidavit and the district attorney shall forthwith present the same to the grand jury of such county. In election districts outside of cities such affidavit shall be delivered by the inspectors to the sheriff of the county who shall proceed in like manner. Copies of all such challenge affidavits shall be mailed by the police or sheriff forthwith at the close of each day of registration to the state superintendent of elections, who shall proceed in like manner. [*As amended by chap. 649, Laws of 1911, and chap. 678, Laws of 1915.*]

**§ 172. Disposition of challenge affidavits.** At the close of the last day of registration the inspectors shall file the book of stubs and unused challenge affidavits with the officer from whom it was received by the inspectors and such officer shall preserve it in his office.

The officer or board with whom the original challenge affidavits or copies thereof are filed may destroy the same six months after the date of the election for which they were made, except those which are to be used in any criminal prosecution.

**§ 173. Entry requiring challenge by inspectors.** If, at a meeting of the board of inspectors for registration, any voter shall, upon oath, declare that he has reason to believe that any person on the register of voters will not be qualified to vote at the election for which the registration is made, the board of inspectors shall place the words "to be challenged" opposite the name of such person, and when such person shall offer his vote at such election, the general oath as to qualifications shall be administered to him, and if he shall refuse to take such oath he shall not be permitted to vote.

**§ 174. Production of naturalization papers.** It shall be the duty of every naturalized citizen before being registered to produce to the inspectors, if any inspector shall

require, his naturalization papers or a certified copy thereof for their inspection, and to make oath before them that he is the person purporting to have been naturalized by the papers so produced, unless such citizen was naturalized previous to the year eighteen hundred and sixty-seven. If, however, such naturalized citizen can not for any reason produce his naturalization papers, or a certified copy thereof, the board of inspectors, or a majority of such board may place the name of such naturalized citizen upon the register of voters upon his furnishing to such board evidence which shall satisfy such board of his right to be registered.

**§ 175. Persons excluded from the suffrage.** No person who shall receive, accept, or offer to receive, or pay, offer or promise to pay, contribute, offer or promise to contribute to another, to be paid or used, any money or any other valuable thing as a compensation or reward for the giving or withholding a vote at an election, or for registering or refraining from registering as a voter, or who shall make any promise to influence the giving or withholding any such vote or registration, or who shall make or become directly or indirectly interested in any bet or wager depending upon the result of an election, shall vote at such election. No person who has been convicted of a felony shall have the right to register for or vote at any election unless he shall have been pardoned and restored to the rights of citizenship.

**§ 176. Certification of register.** At the close of each meeting for the registration of voters, for a general or other election in a city, or in an election district wholly within a village having five thousand inhabitants or more, the inspectors shall append to each book of registration their certificate to the effect that such register as it now is, comprising (here insert the number) names, is a true and correct register of the names and residences of all the voters qualified to vote at such election in such district, who have personally appeared before the board of registration, and such registers so certified shall be presumptive evidence that the names and places of residence contained therein are the names and places of residence given by the persons registered respectively.

At the close of each meeting for the registration of voters for a general or other election elsewhere than in a city, or in a district wholly within a village having five thousand inhabitants or more, the inspectors shall append to each book of registration a certificate to the effect that such register as it now is, com-

prising (here insert the number) names, is a true and correct register of all voters qualified to vote at such election in such district who have personally applied for registration, or whose names the board was required by law to place thereon.

Each such certificate shall be signed by all the inspectors, but in case one inspector required to sign such certificate shall fail for any reason so to do, he may be required by the officer with whom such register is filed to sign such register at a subsequent date. In all cases a majority of the inspectors must sign such certificate at the close of each day of registration.

**§ 177. Making up the registers; custody thereof after registration.**

1. The register of voters made by the chairman of the board of inspectors shall be, and shall be known as, the public copy of registration. Such public copy shall be left in a prominent position in the place of registration from the first day of registration until election day, and shall at all reasonable times be open to public inspection and for making copies thereof. When the place of registration is in a school house, or other public building, authorized to be so used under subdivision three of section two hundred and ninety-nine, such public copy shall be left in the custody of the janitor or some other person in charge of the building, who shall be responsible therefor, and a notice shall be kept publicly posted stating how inspection thereof is to be obtained.

2. Each other inspector shall carefully preserve his register of voters and shall be responsible therefor, until the close of the canvass of the votes on election day, except as hereinafter provided for in cities of the first class.

3. At the close of each day of registration the inspectors shall draw a line in ink immediately below the name of the voter last entered upon each page of each such register. Upon the succeeding day of registration, they shall enter the names of voters in the alphabetical order of the first letter of the surname below the line so drawn upon the proper page after the close of the previous day of registration.

4. Upon the close of the last day of registration, the inspectors shall again carefully compare all the books of registration, to see that they are identical as to their contents, and shall certify as a board in the proper place provided therefor upon each such register that such register is a true and correct register of persons registered by them in such district for the next ensuing election,

and shall state the whole number of such persons so registered.  
[*As amended by chap. 678, Laws of 1915.*]

**§ 178. Custody and filing of registers after registration in cities of first class.** In cities of the first class, at the close of the last day of registration, the chairman of the board of inspectors shall take from an inspector of opposite political faith from himself, the register of voters made by such inspector, and deliver it to the police, who forthwith shall file the same, if in the city of New York, with the board of elections in the borough of Manhattan, and with the chief clerk of the branch office of the board of elections in each other borough, and if in any other city, with the commissioner of elections. Such registers so filed shall be a part of the records of the offices in which they are filed. The two other inspectors of opposite political faith from each other shall retain their respective registers of voters for use on election day. All registers of voters shall at all reasonable hours be accessible for public examination and making copies thereof, and no charge of any kind shall be made for such examination or for allowing any voter to make a copy thereof. In cities of the first class the public copy of registration shall be used, if necessary, on election day by the inspector whose register was filed by the chairman as herein provided.

**§ 179. Certifying changes in registers.** If, in cities, the board of inspectors shall meet on the second Saturday before the election for the purpose of revising and correcting the register of voters in pursuance of an order of the supreme court, a justice thereof or a county judge, as provided in section one hundred and fifty-three of this article, the inspectors shall certify forthwith to the officer with whom the copy of the register is filed the change or changes made upon such register in pursuance of such order. At any revision of registration for an election other than a general election, the quadruplicate register of voters for the last preceding general election shall be furnished to the inspectors of election by the officer or board having the custody thereof, and the inspectors shall certify to the officer or board in cities of the first class with whom the registers are filed the changes, additions or alterations made in such registers for such election.

**§ 180. Custody of registers after election.** At the close of the canvass of the votes of any election, or within twenty-four hours thereafter, the two copies of the register of electors

used by the inspectors and the public copy thereof shall be filed with the board of elections of the county in which the election district is located and in the city of New York with the office located in the borough of Manhattan, and with the chief clerk of the branch office of the board of elections in each other borough of the city of New York. It shall be the duty of the officers with whom such registers of the election districts are filed, to forthwith file one copy of such register for each election district with the state superintendent of elections. Such register of electors shall be carefully preserved for use at any election which may be ordered or held in either of such counties or cities, respectively, prior to the next ensuing general election at which they may be required. [*As amended by chap. 649, Laws of 1911, and chap. 678, Laws of 1915.*]

**§ 181. Certifying number of registered electors.**

At the close of registration on the last day the board of inspectors shall upon blanks furnished by the secretary of state forthwith certify and file with or mail to the officer or board charged with the duty of furnishing ballots to such district and to the state superintendent of elections the total number of electors registered in such district. The inspectors of each district shall also furnish to the same officials in like manner at the close of each day of registration the total number of electors registered on such day in their respective districts. The chairman of the board of inspectors of election of each district shall also forthwith at the close of each day of registration file with or mail to the state superintendent of elections a certificate showing the total number of voters registered therein in the respective election districts. [*As amended by chap. 649, Laws of 1911, and chap. 678, Laws of 1915.*]

**§ 182. Delivery of blank books for registration; certificates and instructions.**

The secretary of state shall purchase whenever he deems it desirable for the best interests of the state, a suitable number of blank books for registers of voters, with blank certificates and brief instructions for registering the names of voters therein, in the forms respectively provided in sections one hundred and fifty-four and one hundred and fifty-five of this chapter, at least four of such books for each board of inspectors in the state, and such number of extra copies thereof as in his judgment may be necessary for each county or city to replace lost or damaged registers before delivery to the inspectors.

Such register of voters shall have the leaves thereof indexed with the letters of the alphabet, beginning with the letter "A" for the first leaf, and so on. At least twenty days prior to the first day of registration for a general election in each year, the secretary of state shall transmit a sufficient number of such registers, certificates and instructions to the board of elections of each county, and to the board of elections of the city of New York located in the borough of Manhattan, and to the chief clerk of the branch office of the board of elections in each other borough within the city of New York, for the use of each board of inspectors within such counties and boroughs, respectively. The board of elections of each county, outside the city of New York, shall deliver such books to the town clerks of each town and to the city clerk of each city in the county, by mail or otherwise, at least five days prior to the first day of registration, and such town clerks and city clerks, and the said board of elections and chief clerks of branch offices of the board of elections in the city of New York, shall deliver such books to the inspectors of said towns, cities and boroughs, respectively, before the hour set for registering the names of voters on the first day of registration. On each day of registration the board of elections of the city of New York and of each county shall furnish to each board of inspectors in each such county or city, respectively, the blanks for the list of voters provided for in section one hundred and fifty-seven of this article. Such blanks shall be distributed in time and manner as above provided for the distribution for registers. [*As amended by chap. 537, Laws of 1916.*]

**§ 182-a. Special instructions to voters to be prepared for the year nineteen hundred and fourteen.**

The secretary of state shall prepare and cause to be printed and furnished to the various boards of elections, in time and manner as provided in section one hundred and eighty-two for other supplies, printed instructions to voters, in brief and concise form, explaining the difference between the form of ballot used at former general elections and the form of ballot provided for in section three hundred and thirty-one of this chapter as amended by chapter eight hundred and twenty-one of the laws of nineteen hundred and thirteen, and explaining the requirements of marking the latter ballot so that the voter may effectually vote for the candidates for all offices to be filled. The instructions provided for in this section shall only be prepared and supplied prior to the first day of registration in the year nineteen hundred and fourteen. The

various boards of elections shall supply the election officers in each election district within the jurisdiction of any such board where personal registration is required, before the opening of registration on the first day of registration, with a sufficient number of copies of such printed instructions to supply each voter with one copy. The delivery of such instructions shall be made through town and city clerks and otherwise as provided in section one hundred and eighty-two for the delivery of other supplies. [As added by chap. 243, Laws of 1914.]

**§ 183. Delivery of previous registers and poll books to inspectors.** Each town clerk with whom the register of the last preceding general election in any election district, elsewhere than in a city or wholly within a village having five thousand inhabitants or more, shall have been filed, shall cause such register and one of the poll books to be delivered to the board of inspectors of such district at the opening of its first meeting for the registration for any election.

If a new election district shall have been formed in a town since such general election, the clerk of such town shall, before the first meeting for registration thereafter in such new election district, make a certified copy of each register for such general election of each election district out of which such new district shall have been formed, and shall cause such certified copy to be delivered to the board of inspectors of such new election district at the opening of such meeting for registration. Such board, at such meeting, shall place upon the register of voters all persons whose names are upon such copies who are qualified to vote in such election district at the election for which such meeting is held, except the names of persons who are required to personally appear for registration.

If a new election district shall have been formed in a city since such general election, the clerk or board with whom the register of voters for such last preceding general election shall have been filed shall, before the meeting of the inspectors of election of such new district for registration for any other election, make a certified copy of each register of voters for such last preceding general election of each election district out of which such new election district is formed, and the inspectors of such new election district shall, at such meeting for registration for such election, place upon the register of voters the names of all persons upon such copies who are qualified

to vote in such election district at the election for which such meeting is held.

**§ 184. Penalties.** Any applicant for registration, inspector or other person who shall incorporate or cause to be incorporated any false statement in any challenge affidavit shall be deemed guilty of perjury.

Except as provided in this article any person who shall wilfully suppress, alter, destroy or mutilate any signed challenge affidavit or official copy thereof shall be deemed guilty of a felony.

Any person knowingly taking a false oath before the board of inspectors shall upon conviction thereof be punished as for wilful and corrupt perjury.

Any person who shall alter, mutilate, destroy or remove from the place of registration the public copy of registration shall be guilty of a felony, and shall be punished upon conviction thereof by imprisonment in a state prison for not less than two nor more than five years, unless otherwise provided by law.

Any person who signs and mails or delivers to the custodian of primary records an enrollment blank as provided in this chapter, which shall be false in any respect or with intent to mislead, or any person who induces or attempts to induce any person so to do, is guilty of a misdemeanor. The fact that such statement is untrue shall be prima facie proof that it is false and intended to mislead.

Any person who shall make, sign, file or cause to be filed, certify or attest any false application for registration as required by sections one hundred and fifty-eight and one hundred and fifty-nine of this chapter, or any person who shall alter, mutilate, destroy or remove any such application from the place of registration, shall be guilty of a felony and shall be punished upon conviction thereof by imprisonment in a state prison for not less than two years nor more than five years, unless otherwise provided by law. [*As amended by chaps. 587 and 820, Laws of 1913.*]

## ARTICLE 7

### <sup>11</sup> Board of Elections

**Section 190.** Boards of elections established.

**191.** Appointment, term and qualification of commissioners of elections.

**192.** Organization of board; rules and reports.

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<sup>11</sup> Title of article amended by chap. 649, Laws of 1911.

- Section 193. Salaries of commissioners of elections.
194. Recommendations for appointment of commissioners of elections.
195. Filling vacancies in board.
196. Bi-partisan character of board.
197. Appointment of employees.
198. General office and branches.
199. Duty of police to aid board of elections.
200. Expenses of board of elections.
201. Disposition of registers and unused ballots.
202. <sup>12</sup> Custodian of primary records.
203. <sup>12</sup> Official seal.
204. <sup>12</sup> Filing statement of canvass, tally sheets and poll-books.
205. <sup>12</sup> Notices.
206. <sup>12</sup> Transfer of records; devolution of powers.
207. <sup>12</sup> Office hours, rules and regulations of boards of elections.
208. <sup>12</sup> All records to be public; records of transactions of the boards of elections.
- 209-a. Article not applicable to Oneida and Broome counties; powers and duties of county clerks in such counties defined.

**§ 190. <sup>13</sup>Boards of elections established.** There shall be a board of elections in every city of the first class in this state which does, or shall, contain within its boundaries more than one county, to consist of four persons. There shall be a board of elections in each of the other counties of the state, but in counties having a population of less than one hundred and twenty thousand inhabitants such board shall consist of two persons. In other counties of the state such board shall consist of two or four members as the board of supervisors of the county may by resolution determine. In every such other county where four commis-

<sup>12</sup> Sections 202 to 208, inclusive, added by chap. 649, Laws of 1911.

<sup>13</sup> Section 4, chap. 406, Laws of 1912, also provides as follows: "In any county in which the number of the commissioners constituting the board of elections is reduced by the provisions of this act, the board of supervisors shall, within thirty days after this act takes effect, designate the two members of such board of opposite political faith who shall retire therefrom. Upon the adoption of a resolution to that effect, the terms of office of such retiring members shall cease and determine and the remaining members shall thereafter constitute, until the expiration of their terms, the board of elections of such county."

sioners of election have been appointed and the number of said commissioners is reduced to two, the board of supervisors shall within sixty days after this amendment takes effect reduce the number of commissioners to two by designating the two who are to continue; and from the time of such designation the offices of the others shall be deemed abolished. Except in the city of New York the salaries of such commissioners and their expenditures for clerk hire shall be fixed by the board of supervisors of each county, but shall not exceed the following amounts: In each county having a population of less than ninety thousand and which does not contain within its boundaries at least three cities of the third class the salary of a commissioner shall not exceed one thousand dollars, and the expenditure for clerk hire, including stenographer, each year, shall not exceed fifteen hundred dollars. In each county having a population of less than ninety thousand and containing within its boundaries at least three cities of the third class and in each county having a population of ninety thousand and less than one hundred and twenty thousand the salary of a commissioner shall not exceed fifteen hundred dollars, and the expenditure for clerk hire, including stenographer, each year, shall not exceed three thousand dollars each year. In each county having a population of one hundred and twenty thousand and less than five hundred thousand the salary of a commissioner shall not exceed three thousand dollars, and the expenditure for clerk hire, including stenographer each year, shall not exceed five thousand dollars. In each county having a population of five hundred thousand and less than a million the salary of a commissioner shall not exceed three thousand dollars. The population of the various counties of the state referred to in this section shall be fixed and determined according to the latest preceding federal census, or state enumeration. Not more than two of such commissioners, if the board of elections consist of four members, and not more than one of such commissioners if said board consists of two members, shall belong to the same political party or be of the same political opinion on state or national politics. The persons composing such boards of elections shall be designated "commissioners of elections." Each of the said boards of elections shall be and is hereby charged with the duty of executing the laws relating to all elections held within their respective cities or counties, except as otherwise provided by law. [As amended by chaps. 649 and 740, Laws of 1911, chap. 406, Laws of 1912, chaps. 800 and 820, Laws of 1913.]

**§ 191. Appointment, term and qualifications of commissioners of elections.** All commissioners of elections shall be appointed by the board of supervisors of the county in which such board of elections is located and in the city of New York by the board of aldermen of such city. The supervisors of each county and the members of the board of aldermen of the city of New York shall appoint the commissioners of elections for their respective counties and the city of New York. Such appointment shall be evidenced by the supervisors of each county or the board of aldermen of the city of New York making such appointments, executing a certificate substantially as follows:

"We, the undersigned, comprising the supervisors of ..... county (the members of the board of aldermen of the city of New York) do hereby, pursuant to the election law, appoint ....., residing at ....., a commissioner of elections for said county.

"In witness whereof we have hereunto subscribed our names and the towns or wards (aldermanic districts) we represent, this ..... day of ....., 19...."

and shall acknowledge said certificate. Said certificate shall thereupon be filed in the office of the county clerk of said county and said county clerk shall immediately upon such filing notify the secretary of state of such appointments. All such appointments shall be for the full term of two years, beginning at twelve o'clock noon of January first in each odd numbered year.

Each of the said commissioners of elections shall be at the time of his appointment a resident and an elector of the political subdivision for which he is appointed. A commissioner of elections may, while holding such office, hold one of the following offices: Notary public, commissioner of deeds, police justice of a village, trustee or officer of a common or union school district outside of a city, justice of the peace of a town, and any other office filled by election or appointment within or for a town or village, or district or subdivision of either, except supervisor, town clerk, inspector of election, poll clerk or ballot clerk. Such commissioner shall not hold, while he is commissioner, any other office, except as above provided; nor shall he be a candidate, while he is commissioner, for any elective office which he would not be entitled to hold under the provisions of this section, nor after he has ceased, by resignation or otherwise, to be commissioner, if the election shall occur within fifty days therefrom, and any votes cast for any person for any such office who shall have been a commissioner of elections within fifty days of the election at which such votes were cast

shall be void and shall not be counted, except that such commissioner may be a candidate for the office of supervisor or town clerk while he is commissioner, and at any time thereafter, subject to the ensuing provisions of this section. Any votes cast for a person for either of such offices who shall have been a commissioner of elections, and who shall have resigned from or otherwise ceased to hold the office of commissioner at least fifteen days before the election at which such votes were cast shall be valid and shall be counted.

A commissioner of elections may be removed from office by the governor for cause in the same manner as a sheriff. Any vacancy in the office of commissioner of elections shall be filled by the supervisors of such county or in the city of New York by the members of the board of aldermen within five days after the filing of the certificate provided for in section one hundred and ninety-five of this act, and the person appointed to fill such vacancy shall hold office during the remainder of the term of the commissioner in whose place he was appointed. [*As amended by chap. 649, Laws of 1911, and chap. 820, Laws of 1913.*]

### **§ 192. Organization of board; rules and reports.**

At their first meeting the commissioners of elections shall organize as a board by electing one of their number as president and one as secretary, and in case no election can be had the members shall draw lots for such places. The board shall have power to adopt such rules and regulations for the control and conduct of the affairs of such board and of its employees as are not inconsistent with or in violation of law. The board shall keep a record of its proceedings and shall make an annual report in the month of December of the affairs and proceedings of said board to the mayor of the city of New York or to the board of supervisors of a county. The president and secretary shall not belong to the same political party. [*As amended by chap. 649, Laws of 1911.*]

**§ 193. <sup>14</sup>Salaries of commissioners of elections.** The salary of each commissioner of elections in the city of New York shall be five thousand dollars a year, payable in equal monthly instalments. The salaries of all other commissioners of elections shall be fixed by the board of supervisors appointing said commissioners and may be changed from time to time by resolution of the said board of supervisors, but shall not exceed the amounts

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<sup>14</sup> See note at foot of page 109, relative to § 4, chap. 406, Laws of 1912.

specified in section one hundred and ninety. [*As amended by chap. 649, Laws of 1911, chap. 406, Laws of 1912, and chap. 800, Laws of 1913.*]

**§ 194. Recommendations for appointment of commissioners of elections.** Within ten days after this act takes effect and at least five days before the first day of January in each odd numbered year, the respective chairmen of the county committees within the counties of New York and Kings and the respective chairmen of the county committees of all the other counties in the state excepting the counties of Bronx, Queens and Richmond of each of the two political parties which at the general election last preceding the date of such certificate cast the highest and the next highest number of votes for governor, shall each respectively make and file or cause to be filed in the case of the counties of New York and Kings with the board of aldermen of the city of New York, and in the case of each of the other counties with the board of supervisors of such county a certificate in substantially the following form, each of which certificates shall certify the name of a person who is a resident and qualified voter in the case of the counties of New York and Kings of the city of New York, or in the case of the other counties a resident of such county, and who is recommended as a fit and proper person to be appointed a commissioner of elections: "I, ....., chairman of the county committee of the ..... party, for the county of ....., do hereby, in accordance with the provisions of section one hundred and ninety-four of the election law, certify that in the opinion of a majority of the said committee, pursuant to resolution duly adopted, ....., a resident and qualified elector of the borough of ....., city of New York, or of the county of ....., is a fit and proper person to be appointed a commissioner of elections, and I do hereby recommend him for appointment to said office. In witness whereof, I have made and executed this certificate, this ..... day of ....., 19...."

Each of such certificates shall be duly acknowledged by the person executing the same, before a notary public or other officer authorized to take acknowledgments to deeds for record in this state. [*As amended by chap. 649, Laws of 1911, and chap. 820, Laws of 1913.*]

**§ 195. Filling vacancies in board.** If at any time a vacancy arises in the office of the commissioner of elections,

through death, resignation, removal or inability to serve, the chairman of the county committee of the political party to which the commissioner creating such vacancy belonged, and if such vacancy arise in the office of commissioner of elections for New York city and if the commissioner creating such vacancy was a resident of the borough of Manhattan or of the borough of the Bronx of said city the chairman of the county committee of New York county of the political party to which the commissioner creating such vacancy belonged and if the commissioner creating such vacancy was a resident of any other borough of said city, the chairman of the county committee of Kings county of the political party to which the commissioner creating such vacancy belonged, shall make and file or cause to be filed with the board of supervisors of the county in which such vacancy arises or if such vacancy arise in the board of elections of New York city, then with the board of aldermen, a certificate in substantially the form and executed and acknowledged as above provided, certifying and recommending the name of a person who is a resident and qualified voter of such county or city wherein such vacancy arises, as a fit and proper person to be appointed a commissioner of elections for the unexpired term of the commissioner creating such vacancy. [*As amended by chap. 649, Laws of 1911.*]

**§ 196. Bi-partisan character of board.** Each and every certificate filed with the board of supervisors or the board of aldermen in pursuance of the provisions of this article, shall be kept by the board with which the same is filed in some safe and secure place in the office of the clerk of said board, and shall be a public record open at all reasonable hours to the inspection of any person who may desire to see the same, it being the intention of this article, and said intention is hereby declared, to secure in the appointment of the members of the board of elections established by this article, and the employees thereof, equal representation of the two political parties which at the general election next preceding such appointment cast the highest and the next highest number of votes for governor, and of which the committees and chairman of committees have been duly elected as such under and in pursuance of the provisions of article three of this chapter relating to primary elections. [*As amended by chap. 649, Laws of 1911, and chap. 820, Laws of 1913.*]

**§ 197. <sup>15</sup>Appointment of employees.** Every board of elections shall have power to fix the number, salaries, duties and rank of its chief clerks, clerks, assistant clerks and stenographers and to appoint and remove at pleasure and to fix the salaries of all employees of said board, but not in excess of the amounts specified in section one hundred and ninety; except that in a county having a population of less than ninety thousand the board may have one clerk only and his salary shall not exceed nine hundred dollars per annum, nor shall the aggregate expenditure for such clerk hire and for stenographer exceed the amount specified in section one hundred and ninety. [*As amended by chap. 649, Laws of 1911, chap. 406, Laws of 1912, and chaps. 800 and 820, Laws of 1913.*]

**§ 198. General office and branches.** The board of elections in the city of New York shall have power to provide and maintain an office for such board in the borough of Manhattan which shall be the headquarters of said board, and to furnish the same with necessary furniture and office fixtures, and shall also provide, maintain and furnish an office in each other borough of the city of New York and shall place the same in the charge of a competent person. Said board of elections shall have full and complete control of the said branch offices of the board of elections and of all the offices, employees, affairs and administration of said branch offices.

In each county the board of supervisors or other body or official charged with the duty of providing public offices shall provide the said board of elections for said county with proper and suitable offices. The expenses for said offices shall be a part of the expenses of said board of elections. [*As amended by chap. 649, Laws 1911,*]

**§ 199. Duty of police to aid board of elections.** It shall be the duty of the commissioner of police and the officers and members of the police force, whenever called upon by the board of elections, to render to said board all practicable assistance in the enforcement of this chapter, including the use of the police telephone service. The commissioner of police shall detail to the service of the board of elections upon its written request such patrolmen and other members of the police force as may be necessary from time to time for the faithful performance by said board of

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<sup>15</sup> See note at foot of page 189, relative to § 4, chap. 406, Laws of 1912.

its functions and duties. All copies of police reports to commanding officers of precincts under section one hundred and fifty-seven of this chapter, shall be forthwith transmitted by the precinct commander to the board of elections. All statements of canvass delivered to any officer in command of a precinct under section three hundred and seventy-two of this chapter shall be forthwith transmitted by such precinct commander to the board of elections to be by them preserved with the same force and effect as, if preserved by the police.

**§ 200. Expenses of board of elections.** All sums necessary to pay the expenses of the board of elections of the city of New York, including the salaries of the commissioners of elections, chief clerks, clerks, assistant clerks and other employees, and to meet and defray the charges and expenses of all elections lawfully held in the city of New York or in any territory included therein, shall be a charge against the said city, and shall upon proper certificates and vouchers be paid in the same manner as other expenses and charges against the said city are by law provided to be paid. Said charges and expenses, as estimated, shall be included in the annual budget of said city each year and in the yearly taxes levied upon the estates, real and personal, in the city of New York.

The board of elections in each county, excepting those counties comprising the city of New York, shall on or before the fifteenth day of December in each year certify to the clerk of the board of supervisors creating said board of elections the total amount of the expenses of said board of elections, including salaries, for the preceding year, and, if the board of supervisors of any county shall so direct, shall certify to said clerk the portions of said expenses which under provisions of law are to be borne by any city or cities in said county and the portion thereof which is to be borne by the rest of said county, and the said clerk of the board of supervisors shall thereupon notify the proper local official or officials, who, in spreading upon the assessment-rolls the taxes to be levied upon the taxable property in the city, or any of the said cities, and in the rest of the county, shall include in the amount so spread the amounts certified by the said board of elections to be borne by the said city or cities, respectively, and in the amount spread upon the assessment-rolls of the taxable property in the several towns or other political subdivisions of the rest of the county the amount so certified by said board of elections to be

borne by the said towns or political subdivisions respectively. [As amended by chap. 649, Laws of 1911.]

**§ 201. Disposition of registers and unused ballots.**

The board of elections of the city of New York is hereby authorized and directed, not less than two years after each election, to sell or destroy all registers of voters in the possession of such board; provided, that one copy of such register of voters for each election district shall be excepted and preserved by such board from such sale or destruction. The board of elections is also authorized to sell to the highest bidder the unused ballots furnished for the last preceding election, but such unused ballots shall not be sold until at least six months after the election for which they were provided. All moneys realized by sales under this section shall be paid over to the proper fiscal officer of the city of New York to the credit of the account of the board of elections.

**§ 202. Custodian of primary records.** The board of elections shall be the custodian of primary records for each political subdivision for which such board is appointed. The board of elections for New York city shall also be the custodian of primary records for the several counties in said city. [Added by chap. 649, Laws of 1911.]

**§ 203. Official seal.** Each board of elections is hereby authorized to adopt an official seal which shall be provided at the expense of the city or county for which said board of elections is appointed, and shall cause a description of said seal with impressions from it to be filed in the office of the county clerk of said county and of the secretary of state. Such description of the official seal of the board of elections of New York city shall be filed in the office of the county clerk of each county in said city. [Added by chap. 649, Laws of 1911.]

**§ 204. Filing statement of canvass, tally sheets and poll-books.** All statements of canvass, tally sheets and poll-books, void and protested ballots, and any and all other packages and documents required by law to be filed by the inspectors, except certified copies of statements of canvass, ballot lists and tally sheets which are required by law to be filed with the county clerk shall be filed with the board of elections of said county or, in the city of New York, with the board of elections of said city. In the city of New York the said statements, documents and

packages shall be filed in the branch office in each borough. [Added by chap. 649, *Laws of 1911*.]

**§ 205. Notices.** All notices of elections to which this chapter applies which are required by law to be published, advertised or posted in any county or any political subdivision thereof or therein shall be published, advertised or posted by the custodian of primary records of said county or of the city of New York. [Added by chap. 649, *Laws of 1911*.]

**§ 206. Transfer and custody of records; devolution and continuance of powers.** All books, documents, papers, records and election appliances or appurtenances now or heretofore held or used by or under the control of any officer or officers of any county or of any political subdivision thereof or therein, relating to or used in the conduct of general, special or primary elections, shall be transferred to or continue in the care, custody and control of the board of elections; and the said board of elections in any such county shall continue to be charged with the duty of performing each, every and all of the duties of the county clerk or commissioner of elections of said county, relating to elections heretofore devolved upon such board by the former provisions of this section, except as otherwise provided in this chapter. In the city of New York the board of elections shall continue to exercise the same powers and duties now exercised by it, excepting as otherwise provided in this chapter. All books, documents, papers, records and election appliances held or used by any commissioner or commissioners of election, in any county whose powers and duties have been heretofore terminated shall continue in the custody of the board of elections for such county. [Added by chap. 649, *Laws of 1911*, and amended by chap. 537, *Laws of 1916*.]

**§ 207. Office hours, rules and regulations of boards of elections.** The offices of each board of elections shall be public and open during every business day of the year. The board of elections in each county shall designate the hours when said offices shall open and close. Each board of elections may adopt its own rules and regulations for the transaction of its business. [Added by chap. 649, *Laws of 1911*.]

**§ 208. All records to be public; records of transactions of the boards of elections.** All the records in the

office of the board of elections shall be public and open for inspection by any citizen of the state of New York during the hours when the said office shall be open, and the said board of elections shall provide ample and sufficient facilities for keeping said records and making copies of the same.

Each board of elections shall keep a record of its proceedings, which shall be public and transcribed in a book or books within twenty-four hours after the adjournment of said board. Minutes of all meetings of the board of elections shall show how each commissioner of elections voted upon any resolution or motion proposed at said meeting of the board. [*Added by chap. 649, Laws of 1911.*]

**§ 209-a. Article not applicable to Oneida and Broome counties; powers and duties of county clerks in such counties defined.** After this section takes effect the foregoing provisions of this article shall not apply to the counties of Oneida and Broome, excepting section one hundred and ninety-nine. For the purpose of applying such section, the county clerk in each of such counties shall be deemed a board of elections. In each of such counties, except as otherwise provided in this section, the county clerk shall have therein the powers and duties of a board of elections, as well as those of a county clerk, prescribed by this chapter or other statute, and references to such board shall be deemed to mean and include, with respect to any such county, the county clerk thereof. All books, documents, papers, records and election appliances or appurtenances held or used by or under the control of the board of elections in the county of Oneida or county of Broome, pursuant to the provisions of this chapter, shall, when this section takes effect, be transferred to the care, custody and control of the respective county clerks of such counties. Each such county clerk may adopt rules and regulations, not inconsistent with the provisions of this chapter, for conducting the business of his office in relation to carrying out the provisions of this chapter. The official papers, records and documents in the office of such county clerk from time to time relating to general, special or primary elections, or in his custody under any provisions of this chapter, shall be public and open to inspection by any citizen of the state during office hours. The county clerk of each such county shall be the custodian of primary records of his county. Notwithstanding the provisions of any other statute, either general or local, the board of supervisors of Broome county may from time to time provide by resolution

for the appointment by the county clerk of such county of additional assistants, at the expense of the county, in the office of such clerk, and the board of supervisors of Oneida county may in like manner provide for the appointment by the county clerk of Oneida county of two additional deputies representing each of the two political parties which at the last general election preceding such appointment cast the highest and the next highest number of votes for governor and of additional assistants, whenever such board of either county, respectively, shall determine that such deputies or assistants are necessary for the proper performance of the additional duties devolved upon such clerk by this section; but the aggregate compensation of such additional assistant appointed on account of such additional powers and duties in the county of Broome shall not exceed one thousand dollars annually, and of such deputies and assistants in the county of Oneida shall not exceed three thousand two hundred dollars annually, exclusive of necessary emergency employees. [*Added by chap. 454, Laws of 1916.*]

## **<sup>1</sup>ARTICLE 7-A.**

### **Commissioner of Elections in the County of Monroe.**

- Section 210. Commissioner of elections for Monroe county.
- 211. Appointment, qualifications and removal of commissioner.
  - 212. Appointment, removal and examination of inspectors of election, poll clerks and ballot clerks.
  - 213. Office for commissioner.
  - 214. Custody of records.
  - 215. Employees.
  - 216. Notices.
  - 217. Filing papers; general powers and duties of commissioner.
  - 218. Purchase of supplies, including voting machines; expenses of commissioner.
  - 219. Apportionment of expenses.
  - 220. Publication of notices.
  - 221. Polling places, election districts, et cetera.
  - 222. Voting machines.
  - 223. Construction of article.

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<sup>1</sup> New article added by chapter 7, Laws of 1916.

**§ 210. Commissioner of elections for Monroe county.** The office of commissioner of elections in the county of Monroe is hereby created, and all the rights, powers, authority, duties and obligations immediately heretofore by law vested in and imposed upon any officer or officers of the county of Monroe or any political subdivision thereof or therein, excepting the appointment, duties and obligations of inspectors of election, poll clerks and ballot clerks, who shall be appointed as hereinafter provided and serve as provided by law with respect to general or special elections and official primaries in the county of Monroe or in any political subdivision thereof or therein, except elections held at a time other than the time of the general election, or of village and school district officers, and special elections for town, village and school district purposes held at such other time, shall, by force of and as an effect of this article, be transferred to and be continued in the commissioner of elections in the county of Monroe hereby created from and after the time of appointment and qualification of the first commissioner hereunder.

**§ 211. Appointment, qualifications and removal of commissioner.** Within five days after this article takes effect the county judge, special county judge and the surrogate of Monroe county, or a majority of them, shall appoint a commissioner of elections who must be a resident voter of such county and shall file in the office of the clerk of such county a certificate of the appointment. Such commissioner of elections shall take the constitutional oath of office and file the same in the county clerk's office and shall hold office for a term of four years; his successor to be appointed in like manner. Such term of office, except as otherwise provided in this section, shall begin on the first day of May in every fourth year, beginning with the year nineteen hundred and twenty. The term of the commissioner first appointed hereunder shall begin on the day the appointment is made and expire on May first, nineteen hundred and twenty. In case of a vacancy in the office of commissioner of elections, such county judge, special county judge and surrogate, or a majority of them, shall appoint a resident voter of Monroe county to fill such vacancy and shall file a certificate of such appointment in the office of the clerk of Monroe county. The person so appointed shall take the constitutional oath of office and serve the remainder of the term. The commissioner of elections appointed pursuant to this article shall be subject to removal by the governor in like manner as sheriffs of counties. Upon

the appointment and qualification, pursuant to this section, of the first commissioner for such county, the board of elections therein shall be deemed abolished; and the terms of office of its members shall then expire. The provisions of article seven of this chapter shall not thereafter apply to the county of Monroe except section one hundred and ninety-nine; and the commissioner provided for herein shall be deemed a board of elections for the purpose of applying such section.

**§ 212. Appointment, removal and examination of inspectors of election, poll clerks and ballot clerks.**

Inspectors of election, poll clerks and ballot clerks in and for the various election districts in the county of Monroe shall be appointed as follows: The chairmen of the county committees of the two political parties which at the last preceding general election of a governor cast the highest number of votes for governor shall each file with the commissioner of elections, on or before the first day of April of each year, a list of persons who are duly qualified to serve as inspectors of election, poll clerks and ballot clerks. The commissioner of elections shall thereafter examine each person whose name appears on such lists as to their qualifications for such offices. Such commissioners shall give each person whose name appears on such lists not less than three days' notice of such examination. Such notice must be either written or printed and state the date, time and place such examination is to be held and must be sent either by mail or special messenger. Any person receiving the notice shall appear before such commissioner of elections at the place fixed for such examination at the time stated in the notice, and the said commissioner of elections shall examine such person as to his qualifications for the office of inspector of election, poll clerk or ballot clerk, as the case may be. Such examination may be either written or oral or both, and if the person so examined is found by the commissioner to be qualified and is, in the judgment of the commissioner a fit and proper person for such office, the commissioner or some person designated by him shall administer the constitutional oath of office and issue to him a certificate of appointment and he shall serve until his successor is appointed; but if such person is found disqualified or is, in the judgment of the commissioner, not a fit and proper person for such office, his name shall be stricken from the list. A supplemental list of persons for election officers may also be filed containing not more than ten names for each office.

Additional supplemental lists for any election district may be filed at any time before the appointments for such district are made, or when a vacancy shall exist for any cause, and all appointments shall be made from the original list if those named therein are found disqualified as herein provided; if not so qualified, then from a supplemental list so filed. If no list is filed by a party, and if within three days after notice in writing by the commissioner to the chairman of the county committee of such party, no list is filed, the commissioner of elections may appoint qualified persons, members of the party in default, to act as election officers, and the enrollment of such person shall be sufficient evidence of the party affiliation of such person. If a qualified person cannot be obtained for any election office from the list or lists filed by a party, and if within three days after notice in writing by the commissioner of elections to the chairman of the county committee of such party, an additional list is not filed containing the name or names of one or more qualified persons, the commissioner of elections may fill such office by the appointment of a qualified person, a member of the party in default. The commissioner of elections shall from time to time, as he may deem necessary, hold a school for the instruction of inspectors of election and poll clerks. Such school shall not be held at any hour earlier than seven o'clock in the evening, and notice shall be given by the commissioner to each inspector of election and poll clerk stating the time and place such school will be held. The notice shall be by mail and either written or printed. If any inspector of election or poll clerk shall fail to attend such school after receiving notice thereof, the commissioner may remove him from office and fill the vacancy in the manner provided for in this article. Each election officer shall be paid one dollar for the time spent in attending a school of instruction, and the election officers of the towns of Monroe county, if such school be held at any place outside the town in which they respectively reside, shall be paid in addition the car fare going and returning from the school. The money due an election officer for attending a school of instruction shall be paid at the same time and in the same manner as the pay for his other services. The commissioner of elections shall have the power on any day of election, registration or primary election to remove from office forthwith any inspector of election, poll clerk or ballot clerk for intoxication or failure to perform his duty in a satisfactory manner and to make a temporary appointment to fill the vacancy caused by such removal.

**§ 213. Office for commissioner.** It shall be the duty of the board of supervisors of Monroe county to provide an office for such commissioner of elections suitable for the preservation of the records of said office and for the doing of the work devolved upon such commissioner under and by reason of this article and the necessary furniture thereof. The expense of providing and furnishing such office shall be a county charge and be audited and paid as other county expenses are paid.

**§ 214. Custody of records.** All books, documents, papers, records and election appliances or appurtenances held or used by or under the control of any officer or officers of Monroe county or of any political subdivision thereof or therein and relating to or used in the conduct of general or special elections or official primaries, including voting machines used and owned by any political subdivision of Monroe county shall, upon request of the commissioner of elections be transferred to the care, custody and control of such commissioner.

**§ 215. Employees.** The commissioner of elections may appoint such employees as the board of supervisors of Monroe county shall by resolution from time to time authorize, and such employees shall receive such salaries and compensation as such board shall by resolution fix and determine. Each employee shall perform such duties as the commissioner of elections shall prescribe and shall hold office at the pleasure of such commissioner. The salary of the commissioner of elections of Monroe county shall be three thousand dollars per annum. Such salaries and compensation shall be paid in the same manner as the salaries of the county officers are paid.

**§ 216. Notices.** All notices which are now or which hereafter may be required by law to be given by the secretary of state or any other officer to any officer of Monroe county or of any political subdivision thereof or therein relating to the holding of any election or official primary, and stating the officers to be elected or nominated or party positions to be filled thereat, or the questions to be voted upon by the people from and after the appointment and qualification of the first commissioner hereunder shall be communicated by the secretary of state or other officer to the commissioner of elections of Monroe county.

**§ 217. Filing papers; general powers and duties of commissioner.** All certificates of nomination for office to be

voted for by the electors of Monroe county or any political subdivision thereof or therein at any election to which this article applies, all declinations of nominations for office, all certificates of nomination to fill vacancies caused by such declinations or by death, all designations, all declinations of designations, all certificates of designations to fill vacancies caused by such declinations, all statements of candidates' expenses, expenses of election or nomination, and all rules and regulations of political parties otherwise required by law to be filed with any officer of Monroe county or any political subdivision thereof or therein, shall be filed in the office of the commissioner of elections hereby established, and such commissioner shall be the custodian of primary records for Monroe county and secretary of the county board of canvassers. The office of the commissioner shall be public and open on every business day of the year, during such reasonable hours as the commissioner shall designate. The commissioner may adopt rules and regulations for the conduct of his office, not inconsistent with this chapter. The official papers, records and documents of his office shall be public and open to inspection by any citizen of the state during office hours. Except as otherwise provided in this article, such commissioner shall have the powers and duties of a board of elections prescribed by this chapter or other statute and references to such board shall be deemed to mean and include such commissioner.

**§ 218. Purchase of supplies, including voting machines; expenses of commissioner.** When the common council of any city, the town board of any town or the board of trustees of any village in the county of Monroe shall have adopted voting machines, the commissioner of elections shall direct the purchase of the number of machines authorized by such local authorities, and may thereafter, when authorized by such local authorities, direct the purchase of new or additional machines for such city, town or village. The commissioner may direct the purchase of any kind of voting machines approved by the state board of voting machine commissioners or the use of which has been specifically adopted by law. All supplies or election appliances to be used or furnished by the commissioner of elections for election purposes shall be purchased by the purchasing agent of Monroe county as other county supplies are purchased. The commissioner is hereby authorized to cause all necessary repairs and alterations to be made and employ such help as may be necessary in making such repairs and in moving,

setting up and caring for all election materials and appliances. All expenses for supplies, advertising, posting and circulation of election notices and printing lists of registered voters and other expenses arising from the conduct of elections in Monroe county or in any political subdivision thereof or therein, incurred by or under the direction of the commissioner of elections except the compensation of inspectors of election, poll clerks and ballot clerks, shall hereafter be a charge against the county or political subdivision thereof or therein, as specified in this chapter and shall be certified by the commissioner of elections and audited and paid as are other claims against such county; provided, however, that any city, town or village may, upon request of the local authorities, assume the payment of the cost of purchasing voting machines and shall have the power to issue bonds, certificates of indebtedness or other obligations which shall be a charge on the city, town or village, payable at such time or times as such authorities may determine, issued with or without interest and not issued or sold at less than par.

**§ 219. Apportionment of expenses.** Such commissioner of elections shall, on or before the first day of October in each year, certify to the clerk of the board of supervisors of Monroe county the total amount of the expenses of his office, including salaries for the preceding year, and shall certify to such clerk the portion of such expenses which under the provisions of law is to be borne by the county at large and the portions thereof which are to be borne by each political subdivision thereof or therein, and the clerk of such board in spreading taxes levied upon taxable property of such county or any political subdivision thereof or therein shall include in the amount spread upon the county at large and the political subdivision thereof or therein the amount so certified by the commissioner to be borne by the county at large or the political subdivision respectively.

**§ 220. Publication of notices.** All publications, advertising or posting of election notices required by law relating to general and special elections or official primaries to which this article applies and all notices of such elections or primaries as are required by law to be published, advertised or posted shall be published, advertised or posted by the commissioner of elections.

**§ 221. Polling places, election districts, et cetera.** It shall be the duty of the commissioner of elections at least thirty

days before each primary day to fix the polling places for each primary district in Monroe county and on or before the first Tuesday in September in each year to fix the polling places for registration and election in each election district in Monroe county. It shall be the duty of the commissioner to create, alter or divide the various political subdivisions of Monroe county into election districts as provided for in sections two hundred and ninety-six and four hundred and nineteen of this chapter. Whenever the commissioner shall have created, altered or divided the election district in any political subdivision of Monroe county he shall execute a certificate giving the boundaries of the new districts and file it in his office and make and file a copy thereof in the office of the city or town clerk, as the case may be, and also publish a description of such boundaries once in the paper designated to publish election notices.

**§ 222. Voting machines.** It shall be the duty of the commissioner of elections to cause the proper ballot labels to be placed on voting machines, and to cause the machines to be placed in proper order for voting and to examine all voting machines before they are sent out to the different polling places, and see that all the registering counters are set at zero (000), and lock all voting machines so that the counting machinery cannot be operated, and seal each one with a numbered metal seal. The commissioner of elections may appoint a custodian of voting machines who shall, under the direction of the commissioner of elections, have charge of and represent the commissioner of elections during the preparation of the voting machines and serve at the pleasure of the commissioner, but not to exceed forty days for any one election. Before preparing a voting machine for an election written notice shall be mailed to the chairmen of the county committees of the two political parties which polled the greatest number of votes at the last preceding election of a governor, stating the time and place where the machines will be prepared; at which time and place one representative of each of such political parties, certified by the respective chairmen of the county committees of such parties, shall be entitled to be present and see that the machines are properly prepared and placed in proper condition for use at election. The custodian of voting machines and the party representatives shall take the constitutional oath of office and shall be paid five dollars for each day so employed, which shall be paid in the same manner as the salaries of county officers are paid. It shall be the duty of such representatives to be present at

the preparation of voting machines for election and to see that the machines are properly prepared and that all the registering counters are set at zero (000). When a machine has been prepared for election it shall be the duty of such representatives to make a certificate in writing, which shall be filed in the office of the commissioner of elections, stating the number of the machine, whether or not all of the counters are set at zero (000), the number registered on the protective counter, if one is provided, and the number on the metal seal with which the machine is sealed. Such representatives shall perform their duties under the direction of the commissioner. It shall be the duty of the commissioner to cause the voting machines to be delivered at the respective polling places in which they are to be used at least one hour before the time set for the opening of the polls.

**§ 223. Construction of article.** Nothing in this article shall be construed to affect or limit the powers of the board of supervisors of Monroe county or the town board of any town, or the village trustees of any village, in such county, as boards of canvassers for the county, towns and villages respectively. Nor shall this article apply to elections held in cities, towns or villages where elections are held at a time other than at the time of general elections. Where the provisions of this article are inconsistent with other provisions of this chapter or other statutes, the provisions of this article shall be controlling.

## **<sup>1</sup>ARTICLE 8**

### **Times, Places, Notices, Officers and Expenses of Elections**

Section 290. Date of general election.

291. Time of opening and closing polls.

292. Filling vacancies in elective offices.

293. Notices of elections.

294. Notice of submission of proposed constitutional amendments or other propositions or questions.

295. Publication of concurrent resolutions, proposing constitutional amendments and other propositions.

296. Creation, division and alteration of election districts.

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<sup>1</sup> As renumbered by chap. 800, Laws of 1913.

- Section 297.** Abolition, consolidation or changing of election districts in towns.
298. Maps and certificates of boundaries of election districts.
299. Designation of places for registry and voting.
300. Equipment of polling places.
- 300-a. <sup>16</sup>Display of American flag.
301. Publication of list of registration and polling places.
302. Election officers; designation, number and qualifications.
303. Appointment of election officers in cities.
304. Authentication of party lists.
305. Examination as to qualifications.
306. Party election in the city of New York.
307. Oath of office; certificate of appointment.
308. Removals; vacancies; transfers.
309. Certificates of service; exemption from jury duty; payment.
310. Special penalties.
311. Appointment of inspectors of election in towns.
312. Appointment of poll clerks and ballot clerks in towns.
313. Supplying vacancies and absences.
314. Organization of boards of inspectors.
315. Preservation of order by inspectors.
316. Ballot boxes.
317. Voting booths and guard-rails.
318. Apportionment of election expenses.
319. Fees of election officers and others.
320. Delivery of election laws to clerks, boards and election officers.

**§ 290. Date of general election.** A general election shall be held annually on the Tuesday next succeeding the first Monday in November.

**§ 291. Time of opening and closing polls.** The polls of every general election, and, unless otherwise provided by law, of

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<sup>16</sup> New section added by chap. 783, Laws of 1913.

every other election shall be opened at six o'clock in the forenoon and shall close at five o'clock in the afternoon. There shall be no adjournment or intermission until the polls are closed. Electors entitled to vote who are in the polling place at or before five o'clock in the afternoon shall be allowed to vote. [*As amended by chap. 649, Laws of 1911, and chap. 820, Laws of 1913.*]

**§ 292. Filling vacancies in elective offices.** A vacancy occurring before October fifteenth of any year in any office authorized to be filled at a general election, shall be filled at the general election held next thereafter, unless otherwise provided by the constitution, or unless previously filled at a special election. Upon the failure to elect to any office, except that of governor or lieutenant-governor, at a general or special election, at which such office is authorized to be filled, or upon the death or disqualification of a person elected to office before the commencement of his official term, or upon the occurrence of a vacancy in any elective office which can not be filled by appointment for a period extending to or beyond the next general election at which a person may be elected thereto, the governor may in his discretion make proclamation of a special election to fill such office, specifying the district or county in which the election is to be held, and the day thereof, which shall be not less than thirty nor more than forty days from the date of the proclamation.

A special election shall not be held to fill a vacancy in the office of a representative in congress unless such vacancy occurs on or before the first day of July of the last year of the term of office, or unless it occurs thereafter and a special session of congress is called to meet before the next general election, or be called after October fourteenth of such year; nor to fill a vacancy in the office of state senator, unless the vacancy occurs before the first day of April of the last year of the term of office; nor to fill a vacancy in the office of a member of assembly, unless occurring before the first day of April in any year, unless the vacancy occurs in either such office of senator or member of assembly after such first day of April and a special session of the legislature be called to meet between such first day of April and the next general election or be called after October fourteenth in such year. If a special election to fill an office shall not be held as required by law, the office shall be filled at the next general election. [*As amended by chap. 891, Laws of 1911.*]

**§ 293. Notices of elections.** The secretary of state shall, at least two months before each general election, make and transmit to the custodian of primary records a notice under his hand and official seal, stating the day upon which such election shall be held, and stating each officer, except city, village and town officers, who may be lawfully voted for at such election by the electors of such county or any part thereof. If any such officer is to be elected to fill a vacancy, the notice shall so state. The secretary of state shall forthwith, upon the filing in his office of the governor's proclamation ordering a special election, make and transmit to the custodian of primary records, a like notice of the officers to be voted for at such special election in such county or city or any part thereof, and cause such proclamation to be published in the newspapers published in such county having large circulation therein, at least once a week until such election shall be held.

Each custodian of primary records shall forthwith, upon the receipt of either such notice, file and record the same in his office, and shall cause a copy of such notice to be published once in each week, if it relates to a special election, until the election therein specified, and otherwise twice in each of the two months preceding the election, in the newspapers designated to publish election notices. They shall also publish, as a part of such notice, a list of all city, village and town officers who may lawfully be voted for at such election by the electors of such county or any part thereof; and the city, village and town clerks of each county shall, at least two months before each general election, make and transmit to the custodian of primary records a notice under their respective hands and official seals, stating each city, village or town officer to be voted for at such election. They shall not publish, as a part of such notice, the text of proposed constitutional amendments or other propositions or questions included in the notice of the general election received from the secretary of state under this section nor the abstract of such proposed amendment, proposition or question, included in such notice by the secretary of state. [*As amended by chap. 649, Laws of 1911, and chap. 820, Laws of 1913.*]

**§ 294. Notice of submission of proposed constitutional amendments or other propositions or questions.** Every amendment to the constitution proposed by the legislature, unless otherwise provided by law, shall be submitted

to the people for approval at the next general election, after action by the legislature in accordance with the constitution; and whenever any such proposed amendment to the constitution or other proposition, or question provided by law to be submitted to a popular vote, shall be submitted to the people for their approval, the secretary of state shall include in his notice of the general election, a copy of the text of such amendment, proposition or question, setting out all new matter in italics and inclosing in brackets all matter to be eliminated from existing law, and at the bottom of each page shall be appended the words, Explanation — Matter in italics is new; matter in brackets [] is old law to be omitted. In addition to the text, such notice shall contain an abstract of such proposed amendment, proposition or question, prepared by said secretary with the advice of the attorney-general, concisely stating the purpose and effect thereof. If more than one such amendment, proposition or question is to be voted upon at such election, such amendments, propositions or questions respectively shall be separately and consecutively numbered. The clerk of each county, except the clerk of any county having a commissioner or board of elections, the commissioner of elections of each county wherein such commissioner has been appointed and the board of elections of the city of New York shall forthwith, upon receipt of such notice, cause printed copies thereof to be made and on the first day of registration shall cause an adequate number of such printed copies to be placed in the places designated pursuant to the provisions of this act, for the meetings for registration and distributed therein by the chairman of the board of inspectors on each day of registration to the electors applying for registration. If such amendment, proposition or question is to be submitted at a special election, the secretary of state shall, at least twenty days before the election, make and transmit to each county clerk, except the clerk of any county having a commissioner or board of elections, the commissioner of elections of each county wherein such commissioner has been appointed, and the board of elections of the city of New York a like notice. Each county clerk and commissioner of elections aforesaid and the board of elections of the city of New York, shall, forthwith upon the receipt of such notice, file and record it in his office, and shall cause a copy of such notice to be published once a week until the election therein specified in the newspapers designated to publish election notices, and in addition thereto on the day of registration for such special election, each clerk of a

county, except the clerk of any county having a commissioner or board of elections, the commissioner of elections of each county wherein such commissioner has been appointed and the board of elections of the city of New York shall cause an adequate number of such notices to be printed and placed in the places designated for the meeting for registration for such special election, and distributed therein by the chairman of the board of inspectors to the electors applying for registration. In election districts where personal registration of electors is not required, after the last day of the registration the inspectors of election shall deliver to the town clerk all of the printed copies of such notices remaining in their hands and the town clerk shall within five days after receipt of the same mail a copy thereof to each registered elector in such town, who has not received such copy from the inspectors. The expense thus incurred shall be a county charge and paid accordingly. The inspectors of election at the time of making up their registry list shall indicate in a suitable manner the name of each elector to whom they have delivered in person printed copies of such proposed amendment, proposition or question, and abstract. [*As amended by chap. 446, Laws of 1910.*]

**§ 295. Publication of concurrent resolutions, proposing constitutional amendments and other propositions.** The secretary of state shall cause each concurrent resolution of the two houses of the legislature agreeing to a proposed amendment to the constitution, which is referred to the legislature to be chosen at the next general election of senators, to be published once, three months before such election, and thereafter twice in each of the three months next preceding such election in two newspapers published in each county representing the two political parties polling the highest number of votes at the then last preceding general election and in one additional newspaper published in each county for every one hundred thousand people in such county as shown by the then last preceding federal or state enumeration. Such additional newspapers shall be selected by the secretary of state with reference to making such publication in newspapers having the largest circulation in the county in which they are published. If such resolution does not state that such proposed amendment is so referred to such legislature, the secretary of state shall publish, in connection with the publication of such concurrent resolution, a statement that such amendment is referred to the legislature to be chosen at the next general election.

The secretary of state shall cause such proposed amendment to the constitution or other proposition or question, which is by law to be submitted to the voters of the state at a general or special election, to be published for a like period before such election in newspapers selected in like manner, together with a brief statement of the law or proceedings authorizing such submission, the fact that such submission will be made and the reading form in which it is to be submitted. If such proposed amendment or other proposition or question is to be submitted at a special election, to be held less than three months from the time of appointing it, the first publication in each newspaper shall be made as soon as practicable after such appointment, and shall continue once in each week to the time of the election. [*As amended by chap. 820, Laws of 1913, and chap. 244, Laws of 1914.*]

**§ 296. Creation, division and alteration of election districts.** Every town or ward of a city not subdivided into election districts shall be an election district. The town board of every town containing more than four hundred voters and the common council of every city except New York and Buffalo, in which there shall be a ward containing more than four hundred voters, shall, on or before the first day of July in each year, whenever necessary so to do, divide such town or ward respectively into election districts, to take effect on the sixth Wednesday before the general election in such year, each of which shall be compact in form, wholly within the town or ward, and shall contain respectively as near as may be, three hundred voters, but no such ward or town shall be again divided into election districts until, at some general election, the number of votes cast in one or more districts thereof shall exceed three hundred and fifty; and in such case the redivision shall apply only to the town or ward in which such district is situated; provided, however, that in cities of the third class the common council, or other board or body charged with like duties, by resolution duly adopted at the time and to take effect as hereinbefore provided for the division of wards into election districts, may direct that wards in such city having five hundred and fifty voters or less shall not be divided but shall constitute one election district; or, that wards having five hundred voters or less, which have been divided into election districts pursuant to the foregoing provisions of this section, shall be consolidated into one election district. Such resolution shall fix and determine the polling place for such election district or consolidated districts and in all such cases it shall be the duty of the common council, or

other board or body charged with like duties, to furnish such polling place with one booth for each seventy-five voters in such election district or consolidated districts, as shown by the last preceding registration of voters in such ward. If any part of a city shall be within a town, the town board shall divide into election districts only that part of the town which is outside of the city. No election district including any part of a city shall include any part of a town outside of a city.

A town or ward of a city containing less than four hundred voters, or an election district of a town containing less than three hundred voters may, in any year not later than the first day of July, be divided into election districts by the board or other body charged with such duty, to take effect on the sixth Wednesday before the general election in such year, when, in the judgment of such board or body, the convenience of the voters shall be promoted thereby. Upon the creation, division or alteration of an election district outside of a city, and on or before September first the town board shall appoint four inspectors of election for each election district so created, divided or altered, to take effect on or before the first day of registration thereafter and not earlier than the second Wednesday following the next fall primary, who shall be equally divided between the two parties entitled to representation on boards of inspectors. If the creation, division or alteration of an election district is rendered necessary by the creation, division or alteration of a town, ward or city or rendered necessary or occasioned by the division of a county into assembly districts after a reapportionment by the legislature of members of assembly, such creation, division or alteration of an election district shall be made and shall take effect immediately; and inspectors of election for the new election district as so created, divided or altered shall be appointed, in the manner provided by law, a reasonable time before the next official primary or meeting for registration and such appointments shall take effect immediately. If a town shall include a city, or a portion of a city, only such election districts as are wholly outside of the city shall be deemed election districts of the town, except for the purpose of town meetings.

The board of elections of the city of New York and county of Erie shall divide the cities of New York and Buffalo, respectively, into election districts on or before the first day of July in any year whenever necessary so to do as herein provided, to take effect on the sixth Wednesday before the general election in such year. Each election district in the counties within the city of New York shall contain, so far as possible, four hundred voters, provided,

however, that any election district containing less than two hundred voters, in such counties, made necessary by the crossing of congressional lines with other political divisions, may be consolidated with a contiguous election district in any year when no representative in congress is to be voted for in such district. Such election districts so established in the city of New York shall not again be changed until at some general election the number of registered voters therein shall exceed four hundred and fifty, except where changes are made necessary by a change in the boundaries of congressional, senate, assembly, aldermanic or municipal court districts or ward lines, provided, however, that when the number of registered voters in an election district shall, for two consecutive years, be less than two hundred, such district may be consolidated with a contiguous election district in the discretion of said board of elections. In the city of New York each election district shall be compact in form, entirely within an assembly district and numbered in consecutive order therein respectively. In the year nineteen hundred and sixteen, following the decennial reapportionment, the board of elections of the city of New York shall rearrange the election districts throughout the city within assembly district lines, to conform as to the number of voters to the provisions of this section, which rearrangement shall take effect before the fall primary in that year; and the appointment of inspectors of election for such election district, as altered or newly created, shall be made and shall take effect a reasonable time before such primary.

No election district shall contain portions of two counties, or two senate or assembly districts. [*As amended by chap. 244, Laws of 1914, and chap. 537, Laws of 1916.*]

**§ 297. Abolition, consolidation or changing of election districts in towns.** If at a general election at which a governor is elected, the number of votes cast for governor in an election district in any town be less than two hundred, the town board of the town may, if such town contains two election districts, abolish the division of the town into election districts, or if the town contains more than two election districts, may annex the territory of such district to one or more of the other districts therein, in such manner as will best promote the convenience of the voters; but no district shall be abolished pursuant to this section if thereby in case of the abolition of election districts, the number of voters in the town will exceed four hundred, as indicated by the last preceding vote for governor, or thereby in the

case of the abolition of an election district and its annexation to one or more other districts, the number of voters in any new district so created will exceed three hundred and fifty as indicated by such vote. An alteration of election districts, pursuant to this section, must be made on or before July first in any year, to take effect on the sixth Wednesday before the general election in such year. If the election districts in a town are abolished pursuant to this section, the town board shall, on or before September first, appoint from the inspectors of election in such town four inspectors of election for the town as an election district, to take effect on or before the first day of registration thereafter and not earlier than the second Wednesday following the next fall primary, who shall be equally divided between the two parties entitled to representation on boards of inspectors.

If a town has been divided into three or more election districts, and if at any general election at which a governor is elected, the number of votes cast for governor in any district in such town does not exceed two hundred, the town board of such town may on or before the first day of August succeeding, if it deems that the convenience of voters will be promoted thereby, divide such town into such number of election districts, to take effect on the sixth Wednesday before the next general election, as it deems desirable, or change the boundaries of the existing districts, in such manner that no district shall contain more than three hundred voters as indicated by the last preceding vote for governor. If, in pursuance of this section, the boundaries of an election district in such town should be changed, or a new election district is created, by the consolidation of two or more districts or parts of districts, the town board shall on or before September first appoint for each such district so created, or changed; four inspectors of election, to take effect on or before the first day of registration thereafter and not earlier than the second Wednesday following the next fall primary, who shall be equally divided between the two parties entitled to representation on boards of inspectors. Such inspectors of election shall hold office until their successors are regularly elected in such election districts, in pursuance of law. [*As amended by chap. 244, Laws of 1914, and chap. 537, Laws of 1916.*]

**§ 298. Maps and certificates of boundaries of election districts.** When a ward of a city or an assembly district within a city shall be divided into two or more election

districts, the officers or board creating, dividing or altering such election districts shall forthwith make a map or description of such division, defining it by known boundaries, and cause such map or description to be kept open for public inspection in the office of the city clerk, and cause copies thereof to be posted not less than ten days prior to the first day of registration in each year, in at least ten of the most public places in each election district so created, divided or altered, and shall, prior to every election, furnish copies of such map or description to the inspectors of election in each election district of such ward or assembly district. The scale of such maps shall, so far as possible, be uniform and large enough to permit the printing of the street corner numbers of the block or blocks defining the extreme boundaries of each election district within or outside the lines of such block or blocks respectively; and such street corner numbers shall be printed in or outside such block lines upon said maps, so that the lowest and highest street numbers within the election district of every street bounding such election district shall be plainly shown thereon. The copies furnished to the inspectors of election shall have printed on each or affixed to each in some secure way the list of places designated pursuant to the next section as places at which the meetings for the registration of voters and the election shall be held during the year within such ward or assembly district.

The officers creating, dividing or altering an election district in a town shall forthwith make a certificate or map thereof, exhibiting the districts so created, divided or altered, and their numbers respectively, and file the same in the county clerk's office except in the county of Erie, and in the county of Erie in the office of the commissioner of elections, and a copy thereof in the town clerk's office, and cause copies of the same to be posted in at least five of the most public places in each election district of such town, and the county clerk or commissioner of elections as the case may be, shall, prior to every general election, furnish copies of such maps or certificates, to the inspectors of election in each election district of such town, provided such election district is not co-terminous with the town lines.

**§ 299. Designation of places for registry and voting.** 1. On the first Tuesday of September in each year, the town board of each town, and the common council of each city, except Buffalo, and the board of elections of the city of New York, shall designate the place in each election district in the city or town at which the meeting for the registration of voters

and the election shall be held during the year; provided, however, that in the city of New York the place so designated, if a school-house or other public building, may be in a contiguous election district. In the city of Buffalo the board of elections of the county of Erie shall designate such places for registry and election on the first Monday in August in each year. [*Amended by chap. 537, Laws of 1916.*]

2. Each room so designated shall be of a reasonable size, sufficient to admit and comfortably accommodate at least ten voters at one time outside of the guard-rail, and in cities containing a population of one million or over such room must in addition be of sufficient size to allow of the placing of the furniture and equipment of such polling place as provided in the election law.

3. In cities containing a population of over one million, a school-house or other public building may be designated, provided that the board of education consent and that the use of the same as a registration and polling place shall not interfere with their customary use. The expense, if any, incidental to their use under such designation shall be paid like the expense of other registration and polling places. Whenever a school or other public building is located in an election district and the registration and polling place of such district is not located in a school or other public building, a statement of the reason for not designating such a building must be entered by the board or officer charged with the duty of making such designations in the minutes or other record making the designation.

4. No building, or part of a building, shall be so designated in any city, if within thirty days before such designation, intoxicating liquors, ale or beer, shall have been sold in any part thereof. No room shall be designated elsewhere than in a city, if within thirty days before such designation, intoxicating liquors, ale or beer, shall have been sold in such rooms, or in a room adjoining thereto, with a door or passageway between the two rooms.

5. In the event that the registration shall be so large that the polling place already designated would be unreasonably crowded on election day, the board of elections may between the last day of registration and election day change the polling place so as to obtain a larger room. If for any reason said board of elections changes a polling place said change must be made at least ten days before the day of election and at least five days before election day said board must send a written notice to each registered voter, notifying him of such change in the location of said polling place.

6. No intoxicating liquors, ale or beer shall be sold in such

building in a city or such room or adjoining room elsewhere after such designation and before the general election next thereafter, or be allowed in any room in which an election is held during the day of election or canvass of the votes. Any person or persons violating the provisions of this section shall be deemed guilty of a misdemeanor.

7. If any place so designated shall thereafter and before the close of the election be destroyed, or for any reason become unfit for use, or cannot for any reason be used for such purpose, the officers charged with the designation of a place for such election shall forthwith designate some other suitable place for holding such election. Not more than one polling place shall be in the same room, and not more than two polling places shall be in the same building. [*As amended by chap. 428, Laws of 1910, and chap. 678, Laws of 1915.*]

**§ 300. Equipment of polling places.** The officers authorized to designate such places in any town or city shall provide for each polling place at such election, the necessary ballot and other boxes, guard-rails, voting booths and supplies therein, and the other furniture of such polling place, necessary for the lawful conduct of each election thereat, shall preserve the same when not in use, and shall deliver all such ballot and other boxes for each polling place, with the keys thereof, to the inspectors of each election district at least one-half hour before the opening of the polls at each election.

**§ 300-a. Display of American flag.** The American flag shall be displayed in each polling place in this state by the board of inspectors during the hours when such boards are in session. The board, body or officer now charged with the duty of defraying the expenses of conducting primaries and elections shall furnish said flag, which shall be approximately three feet by five feet in size. [*As added by chap. 783, Laws of 1913.*]

**§ 301. Publication of list of registration and polling places.** The officers authorized to designate the registration and polling places in any city, except the city of New York, shall cause to be published in two newspapers within such city a list of such places so designated, and the boundaries of each election district in which such registration and polling place is located and shall at the same time file said list with the state superintendent of elections. Such publication shall be made in the newspapers so selected upon each day of registration and the day of election,

except that if such newspaper be an evening newspaper it shall be made on the day prior to each of such days. One of such newspapers so selected shall be one which supports the candidates nominated that year by the political party polling the highest number of votes in the state at the last preceding election for governor, and the other newspaper so designated shall be one which supports the candidates nominated that year by the political party polling the next highest number of votes for governor at said election.

The board of elections of the city of New York shall cause to be published in two newspapers in each borough within such city a list of the registration and polling places so designated in each borough and the boundaries of each election district therein in which such registration and polling place is located and shall at the same time file said list with the state superintendent of elections; except that in the borough of Brooklyn, such publication shall be made in the newspapers designated to publish corporation notices therein and in one daily newspaper published in the Jewish language; and except also that in the borough of the Bronx such publication shall be made in four newspapers published in the borough of the Bronx; and except also that in the borough of Manhattan such publication shall be made in five daily newspapers published in the borough of Manhattan which support the candidates nominated that year by the political party polling the highest number of votes in the state at the last preceding election for governor, and also in five daily newspapers published in the borough of Manhattan which support the candidates nominated that year by the political party polling the next highest number of votes for governor at said election, one of which newspapers may be a daily newspaper published in the German language and two of which newspapers may be daily newspapers published in the Jewish language; which publication shall include the list of such registration and polling places and their boundaries, in the respective counties in which the newspapers are published. Such publication shall be made in such newspapers upon each day of registration and the day of election excepting if such newspaper be an evening newspaper it shall be made on the day prior to each of such days or if such day be Sunday, on the preceding Saturday. Such publications shall be made in newspapers published in such boroughs which shall respectively support the candidates nominated that year by the political parties which at the last preceding election for governor respectively cast the largest and next largest number of votes in the state for such office.

The said board shall also cause to be published in the City Record on or before the first day of registration in each year a complete list of all the registration and polling places so designated and the boundaries of the election districts in which such places are located arranged in numerical order under the designation of the respective boroughs in which they are located.

In selecting the newspapers in which such publications are to be made the said board shall keep in view the object of giving the widest publicity thereto. [*As amended by chap. 587, Laws of 1913, chap. 238, Laws of 1914, and chap. 537, Laws of 1916.*]

**§ 302. Election officers; designation, number and qualifications.** There shall be in every election district of this state the following election officers, namely, four inspectors, two poll clerks and two ballot clerks, whose term of office, except as hereinafter prescribed, shall be for one year from the date of their appointment or election, and who shall serve at every general, special or other election held within their districts during such term. The term of office of inspectors of election in towns shall be for two years.

No person shall be appointed or elected an inspector of election, poll clerk or ballot clerk, who is not a qualified voter of the county if within the city of New York, or of the city if in any other city, or of the election district of the town in which he is to serve, of good character, able to speak and read the English language understandingly, and to write it legibly, and who does not possess a general knowledge of the duties of the office to which he is elected or appointed, or who is a candidate for any office to be voted for by the voters of the district in which he is to serve, or who has been convicted of a felony and not restored to citizenship, or who holds any public office except that of notary public or commissioner of deeds, town or village assessor, justice of the peace, police justice of a village, village trustee, water commissioner, officer of a school district, or overseer of highways, whether elected or appointed, or who is employed in any public office or by any public officer whose services are paid for out of the public money other than is excepted herein.

Each class of such officers shall be equally divided between the two political parties which at the general election next preceding that for which such officers are to serve, cast the highest and the next highest number of votes. Where election officers are appointed the qualifications required of them by this section shall be determined by an examination by or under the direction of the

appointing board or officer. [*As amended by chap. 239, Laws of 1914.*]

**§ 303. Appointment of election officers in cities.**

The board of elections of the city of New York and the mayor of each other city shall, on or before the first day of September of each year, select and appoint election officers for each election district therein, and may fill any vacancy which may occur before the opening of the polls on election day.

Each political party entitled to representation in any board of election officers may, not later than the first day of July in each year, file with such board or mayor an original list of persons, members of such party duly qualified to serve as election officers. A supplemental list of persons may also be filed containing **not** more than ten names for each office. Additional supplemental lists for any election district may be filed at any time before the appointments for such districts are made and certified by such board or mayor or when a vacancy shall exist in the original list by reason of the disqualification, resignation, declination, or withdrawal of the name by the person or persons submitting the same, of any person on such list, and all appointments shall be made from the original list if those named therein are found qualified; if not so qualified, then from a supplemental list so filed. If within ten days after notice in writing by the board or mayor to the chairman of the committee or other person by whom the list is filed or authenticated, such chairman or other person shall neglect to file an additional list, the board or mayor may appoint qualified persons, members of the party in default, to act as election officers.

**§ 304. Authentication of party lists.** In the city of New York such lists shall be authenticated and filed by the chairman of the county committee of the party in the respective counties within such city; in other cities, by the chairman or secretary of the general city committee of such party, if there be such a committee, or if not, then by the chairman or secretary of the general county committee of such party, if there be such a committee, or if not, then by the corresponding officer of any committee performing the usual functions of a city or county committee; provided, however, that if in any city more than one such list be submitted in the name or on behalf of the

same political party, only that list can be accepted which is authenticated by the proper officer or officers of the faction or section of such party, which was recognized as regular by the last preceding state convention of such party; or, where no such convention has been held within the year, by the proper officer of the faction or section of said party which at the time of the filing of said list is recognized as regular by the state committee of such party which was organized by or pursuant to the direction of the last preceding state convention of such party. [*As amended by chap. 678, Laws of 1915.*]

**§ 305. Examination as to qualifications.** All persons so proposed for appointment shall be examined as to their possessing the qualification required by section three hundred and two of this chapter by or under the direction of the mayor or board, who shall give five days' notice in writing of such examination to the person to be examined, and also the chairman of the committee or other person by whom the list is filed and authenticated, and such chairman or other person may appear and be heard at such examination, either in person or by counsel. If a person so nominated after examination is found qualified, under section three hundred and two of this chapter, he shall be appointed to the position for which he was recommended. If a person so proposed is found disqualified after examination, notice in writing to that effect shall be given by the mayor or board within three days after such disqualification is determined by such mayor or board, to the chairman of the committee or other person by whom the list embracing the name of the person so disqualified was authenticated, and the vacancy shall be filled by the appointment of a qualified person named in a supplemental list filed on behalf of the same party, except that if a party entitled to representation files no list the appointment may be made without such list, as provided in section three hundred and three, after examination. If the person recommended shall have served as an election official at any previous election, it shall not be necessary for him to be examined. [*As amended by chap. 649, Laws of 1911.*]

**§ 306. Party selection in the city of New York.** In the city of New York the members of the board charged with the duty of appointing election officers, who represent the same political party, shall have the exclusive right and be charged with the exclusive duty of selecting from the list submitted, or, in lieu of

said list, the members of such party who are to be appointed as election officers.

**§ 307. Oath of office; certificate of appointment.**

Every person so appointed as an election officer shall, within five days after notice of his appointment, take and subscribe the constitutional and statutory oath of office, which shall be administered, if in the city of New York, by a commissioner of elections, or by any clerk or other employee of said board of elections who shall be designated by said board in writing over the signature of its president to administer said oath of office, and if in any other city, by the mayor thereof or by any other person or persons designated by him for that purpose; and all of said officers, and all clerks or persons so designated by them or him for that purpose, shall be and are hereby authorized and empowered to administer such oath.

Every person so sworn as an election officer shall receive a certificate of appointment and qualification, signed by the person who administered the oath, in such form as may be approved by the board or mayor by which or whom he was appointed, and specifying the capacity and the election district in which he is to serve and the date of the expiration of his term of office.

**§ 308. Removals; vacancies; transfers.** Any election officer so appointed may be removed for cause by the board or mayor making the appointment, in which case such removal, unless made while such officer is actually on duty on the day of registration, revision of registration or election, and for improper conduct as election officer, shall only be made after notice in writing to the officer to be removed, which notice shall set forth clearly and distinctly the reasons for his removal. In cities of the first class, it shall be the duty of the board or mayor making the appointment of an election officer, to remove forthwith such officer, without preferring any charges and without notice to such officer, upon the written request of the official of the political party who certified the name of such election officer or his successor. All such vacancies so created shall be filled in the same manner as the original appointment was made. Any election officer who shall at any time be appointed to fill a vacancy, which fact shall be stated in his certificate of appointment; shall hold office only during the unexpired term of his predecessor.

No election officer shall be transferred from one election district to another after he has entered upon the performance of his duties

and no election officer shall serve in any county save that in which he shall reside.

**§ 309. Certificates of service; exemption from jury duty; payment.** The chairman of each board of inspectors of each election district shall, within twenty-four hours of any election, furnish to the mayor or board appointing such officers, if required so to do by such mayor or board, under his hand, a certificate stating the number of days of actual service of each member of such board, the names of the persons who served as poll clerks and ballot clerks on election day and the number of days during which the store, building or room hired for registration and election purposes was actually used for such purposes. Any person acting as such chairman, who shall wilfully make a false certificate, shall be guilty of a \*misdemeanor.

All persons appointed and serving as election officer on any of the days of registration or of election or of count of votes in cities of the first class shall be exempt from jury duty for one year from the date of the general election at which they serve. Such officers shall be paid by the comptroller of the respective cities within twenty days after the election at which such officers served, upon the certificate of the board or mayor appointing them.

**§ 310. Special penalties.** Every person appointed as an election officer, failing to take and subscribe the oath of office as hereinbefore prescribed or who shall wilfully neglect or refuse to discharge the duties which he was appointed to perform, shall, in addition to the other penalties prescribed by law, be liable to a fine of one hundred dollars, to be sued for and recovered by the mayor or board making the appointment, in a court of record, for the use and benefit of the treasury of such city. Any election officer who, being removed for cause, shall fail upon demand to deliver over to his successor the register of the voters, or any tally sheets, book, paper, \*mmorandum or document relating to the registration of voters or the election in his possession, so far as he has made it, shall be liable to a like penalty to be recovered in a like manner for the benefit of such city.

**§ 311. Appointment of inspectors of election in towns.** Except as provided in section two hundred and ninety-six, inspectors of election in towns shall be appointed by the

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\* So in original.

town board in each year in which a town meeting is held for the election of town officers, and within thirty days thereafter. Such appointments shall be made from lists to be prepared, certified and filed in the manner hereinafter provided, by the two political parties entitled to representation on a board of election officers. The town caucus or primary held by each such political party for the purpose of nominating town officers shall prepare a list containing the names of at least two persons, qualified to serve as inspectors of election, for each election district in said town. which lists shall be certified by the presiding officer and a secretary of said caucus or primary, and filed with the town clerk in the same manner and at the same time as the party certificate of nomination filed by said party. From each of the two lists so filed, the town board shall appoint two persons who possess the qualifications prescribed by law for election officers. If in any town more than one such list be submitted on behalf or in the name of the same political party, only that list can be accepted which is certified by the proper officer or officers of the faction of such party which was recognized as regular by the last preceding state convention of such party; or if no such convention was held during the year, by the proper officer or officers of the faction of such party, which at the time of the filing of such list is recognized as regular by the state committee of such party.

Such appointment shall be made in writing and filed with the town clerk, who shall forthwith notify each person so appointed of his appointment to said office, in the manner in which he is now by law required to give notice to a person of his election to a town office when his name does not appear upon the poll list at the town meeting at which he was elected to said office. From the additional names, if any, contained on the lists so filed, of persons qualified to serve as such, the town board shall appoint inspectors of election in case of the resignation, declination or other incapacity of persons appointed to such office. If such lists contain no additional names of such persons, the town board shall fill vacancies caused by such resignation, declination or other incapacity by appointing persons known, or proved to the satisfaction of a majority of the members of said board to be members of the same political party in which such vacancy occurred. All appointments to fill vacancies shall be made in writing and filed with the town clerk, and notices thereof given by him as hereinbefore provided in the case of an original appointment.

**§ 312. Appointment of poll clerks and ballot clerks in towns.** At the first meeting in each year of the board of inspectors in every district in a town, one poll clerk and one ballot clerk shall be appointed by the two inspectors of election representing one of the political parties entitled to representation on such board, and one poll clerk and one ballot clerk shall be appointed by the two inspectors representing the other political party. Such appointments shall be in writing, signed by the inspectors making the appointments respectively, and shall be filed by them with the town clerk of the town in which such election district is situated, and a copy thereof with the post-office address of each person so appointed shall be mailed to the clerk of the county.

The poll clerks and ballot clerks so appointed shall hold their office during the term of office of the inspectors appointing them, except as hereinafter provided. The persons so appointed as poll clerks and ballot clerks shall be voters in the district in which they are appointed to serve, and shall possess the qualifications required of such officers by section three hundred and two of this article.

If at the time of any election at which poll clerks and ballot clerks are required to be present at the polling place in any election district, the office of a poll clerk or of a ballot clerk of such district shall be vacant, or a poll clerk or a ballot clerk shall be absent, the inspectors of election in such district shall forthwith appoint a person to fill such vacancy. Such person so appointed shall, before he acts as such poll clerk or ballot clerk, take the constitutional and statutory oaths of office.

**§ 313. Supplying vacancies and absences.** If at the time of any meeting of the inspectors there shall be a vacancy or if any inspectors shall be absent from such meeting, the inspector present who shall be a member of the same political party as the absent inspector shall appoint a qualified voter of the district, who shall also be a member of the same political party as the absent inspector, to act in the place of such absent inspector for the whole of that day. And the person so appointed shall be paid the amount which the absent inspector, if he had been present, would have been entitled to be paid for his services upon that day, and the absent inspector shall not be paid for any services for that day.

If two inspectors, who are members of the same political party, shall be absent from any such meeting on election day, the poll clerk, if he be present, and if he be absent then the ballot clerk,

who is a member of the same political party as the absent inspectors, shall appoint two qualified voters of the district, who shall be members of the same political party as the absent inspectors, to act in the place of such absent inspectors for the whole of that day; and the persons so appointed shall be paid the amounts which the absent inspectors, if they had been present, would have been entitled to be paid for their services upon that day, and the absent inspectors shall not be paid for any services for that day.

If two inspectors, who are members of the same political party, shall be absent on any of the days of registration, the inspector or inspectors present shall appoint qualified voters of the district, who shall be members of the same political party as the absent inspectors, to act until such absent inspectors, or their successors duly appointed as hereinbefore provided, shall appear and such persons, so serving temporarily, shall serve without pay.

If, at any such time, the offices of all inspectors are vacant, or no inspector shall appear within one hour after the time fixed by law for the opening of such meeting, the qualified voters of the district present, not less than ten, may designate four qualified voters of the district belonging to the political parties as specified in section three hundred and two, to fill such vacancies, or to act in the place of such inspectors respectively, until the absent inspectors respectively appear.

If at any time there shall be a vacancy in the office of any poll clerk or ballot clerk, or if any poll clerk or ballot clerk shall be absent from such meeting, the inspector or inspectors present, who shall be a member or members of the same political party as the absent poll clerk or ballot clerk, shall appoint a qualified elector of the district, who shall also be a member of the same political party as the absent poll clerk or ballot clerk to fill such vacancy.

Every person so appointed or designated to act as an inspector, poll clerk or ballot clerk shall take the constitutional and statutory oath as prescribed by this chapter.

**§ 314. Organization of boards of inspectors.** Before otherwise entering upon their duties the inspectors of each district shall then immediately appoint one of their number chairman; or, if a majority shall not agree upon such appointment, they shall draw lots for that position.

In all proceedings of the inspectors acting as registrars, inspectors or canvassers, they shall act as a board, and, in case of a question arising as to matters which may call for a determination by them, a majority of such board shall decide.

**§ 315. Preservation of order by inspectors.** All meetings of the board of inspectors shall be public. Such board and each individual member thereof shall have full authority to preserve peace and good order at such meetings, and around the polls of elections, and to keep the access thereto unobstructed, and to enforce obedience to their lawful commands. The said board may appoint one or more voters to communicate their orders and directions, and to assist in the performance of their duties in this section enjoined. If any person shall refuse to obey the lawful commands of the inspectors, or by disorderly conduct in their presence or hearing shall interrupt or disturb their proceedings, they shall make an order directing the sheriff or any constable of the county, or any peace or police officer to take the person so offending into custody and retain him until the registration of voters or the canvass of the votes shall be completed, but such order shall not prohibit the person taken into custody from voting. Such order shall be executed by any sheriff, constable, peace or police officer, to whom the same shall be delivered, but if none shall be present, then by any other person deputed by such board in writing. The said board or any member thereof may order the arrest of any person other than an election officer violating or attempting to violate any of the provisions of this chapter.

**§ 316. Ballot boxes.** Separate ballot boxes appropriately and conspicuously marked must be provided as occasion shall require, to receive

1. Ballots for presidential electors,
2. Ballots for general officers,
3. Ballots upon constitutional amendments and questions submitted,
4. Ballots upon town propositions and upon town appropriations,
5. Ballots defective in printing or spoiled and mutilated,
6. Stubs detached from ballots.

Each box shall be supplied with a sufficient lock and key and with an opening in the top large enough to allow a single folded ballot to be easily passed through the opening, but no larger. It shall be large enough to receive all the ballots which may be lawfully deposited therein at any election, and it shall be well and strongly made of wood, free from checks and blemishes.

Each and every inspector of elections shall be personally responsible for the custody of each box and its contents from the time the election begins until the box is delivered, according to law, to the person entitled to receive it. Upon making any such delivery each inspector of elections shall be entitled to a receipt for each box delivered. [*As amended by chap. 649, Laws of 1911, and chap. 821, Laws of 1913.*]

**§ 317. Voting booths and guard-rails.** There shall be in each polling place during each election a sufficient number of voting booths, not less than one for every seventy-five registered voters in the district. Each such booth shall be at least three feet square, shall have four sides inclosed, each at least six feet high, and the one in front shall open and shut as a door swinging outward, and shall extend within two feet of the floor. Each such booth shall contain a shelf which shall be at least one foot wide, extending across one side of the booth at a convenient height for writing, and shall be furnished with such supplies and conveniences including pencils having black lead only, as will enable the voters to conveniently prepare their ballots for voting. Each booth shall be kept clearly lighted while the polls are open, by artificial lights if necessary.

A guard-rail shall be placed at each polling place at least six feet from the ballot boxes and the booths, and no ballot box or booth shall be placed within six feet of such rail. Each guard-rail shall be provided with a place for entrance and exit. The arrangement of the polling place shall be such that the booths can only be reached by passing within the guard-rail, and that the booths, ballot boxes, election officers and every part of the polling place except the inside of the booths shall be in plain view of the election officers and the persons just outside the guard-rail. Such booths shall be so arranged that there shall be no access to intending voters or to the booths through any door, window or opening, except by the door in front of said booth.

**§ 318. Apportionment of election expenses.** The expense of providing polling places, voting booths, supplies therefor, guard-rails and other furniture of the polling place, and distance markers, and the compensation of the election officers in each election district, shall be a charge upon the town or city in which such election district is situated, except that such expenses incurred for the purpose of conducting a village election.

not held at the same time as a general election shall be a charge upon the village.

The expense of printing and delivering the official ballots, sample ballots and cards of instruction, poll books, tally sheets, return sheets for inspectors and ballot clerks, and distance markers to be used at a town meeting or city or village election not held at the same time as a general election, and of printing the lists of nominations therefor shall be a charge upon the town, city or village in which the meeting or election is held. The expense of printing and delivering the official ballots, sample ballots and cards of instruction, poll books, tally sheets, return sheets for inspectors and ballot clerks, and distance markers to be used in any county, except such counties or portions thereof as are included within the city of New York, at any other election, if no town meeting or city or village election be held at the same time therewith, and of printing the lists of nominations therefor, shall be a charge upon such county. The expense of printing and delivering the official ballots, sample ballots and cards of instruction, poll books, tally sheets, return sheets for inspectors and ballot clerks, and distance markers, to be used in any such county at any other election, and of printing the lists of nominations therefor, if the town meeting or city or village election be held in such county at the same time therewith, shall be apportioned by the county clerk between such town, city or village and such county, in the proportion of the number of candidates for town, city or village officers on such ballots, respectively, to the whole number of candidates thereon, and the amount of such expense so apportioned to each such municipality shall be a charge thereon.

Whenever voting machines are used in an election by any city, town or village, only such expenses as are caused by the use of such machines, and such as are necessary for the proper conduct of the elections as required by this chapter shall be charged to such city, town or village.

All expenses relating to or connected with elections lawfully incurred by the board of elections of the city of New York shall be a charge on such city, and after being audited by the proper officer, shall be paid by the comptroller of said city upon the certificate of such board.

**§ 319. Fees of election officers and others.** 1. The county clerk of each county, not salaried, shall be paid by such county a reasonable compensation for his services in carrying out

the provisions of this chapter, to be fixed by the board of supervisors of the county, or the board acting as such board of supervisors. The town clerk of each town shall be paid by such town a reasonable compensation for his services in carrying out the provisions of this chapter, to be fixed by the other members of the town board of the town. Ballot clerks shall receive the same compensation for their attendance at an election as inspectors of election for the election and be paid in like manner. Poll clerks shall receive the same compensation for their attendance at an election and canvass of the votes as inspectors of election and be paid in like manner. An inspector of election lawfully required to file papers in the county clerk's office shall, unless he resides in the county if within the city of New York, or in any other city or town in which such office is situated, be entitled to receive as compensation therefor five dollars, and also four cents a mile for every mile actually and necessarily traveled between his residence and such county clerk's office in going to and returning from such office.

2. In cities of the first class having a population of two million or more inhabitants the persons appointed and serving as inspectors of election shall receive four dollars for the hours fixed by law for each day of registration from Monday to Friday inclusive, and ten dollars for such hours on the last day of registration and on the day of revision of registration for a special election, and seven dollars for the hours fixed by law for the election, and five dollars for the count and return of the votes. The poll clerks in such city shall each receive the same compensation as inspectors for the election and for the count of the votes, and the ballot clerks shall receive eight dollars each. Such officers shall be paid by the comptrollers of the respective cities upon the certificate of the board or officer appointing them.

3. Election officers required to meet at a different time from the regular count of the votes cast at a general election for the purpose of counting and returning the votes of electors absent from their election districts in time of war in the actual military or naval service of this state or of the United States shall be paid five dollars each. [*As amended by chap. 678, Laws of 1915.*]

**§ 320. Delivery of election laws to clerks, boards and election officers.** The secretary of state shall at least sixty days before each general election cause to be prepared a

compilation of the election law with explanatory notes and instructions, properly indexed, and procure the same to be printed by the legislative printer, and transmit to the board of elections of each county, and to the board of elections of the city of New York, located in the borough of Manhattan, and to the branch office of the board of elections in each of the other boroughs of the city of New York, a sufficient number of copies thereof to furnish one such copy to each member of each such board and to each of said branch offices of the board of elections of the city of New York and one to each county, town, village and city clerk and to each election officer in any such county and said boroughs, together with such number of extra copies as may in his judgment be necessary to replace copies lost or mutilated before delivery thereof to election officers.

The board of elections of each county, except those counties the whole of which is included within the city of New York, shall forthwith transmit one of such copies to each of such officers in such county, and the board of elections of the city of New York shall cause to be delivered one of such copies to each of such officers in the city of New York. Each copy so received by each such officer shall belong to the office of the person receiving it. Every incumbent of the office shall preserve such copy during his term of office and upon the expiration of his term or removal from office deliver it to his successor. The secretary of state shall also transmit to the state superintendent of elections a sufficient number of such copies to furnish one of such copies to the superintendent and to each deputy. [*Amended by chap. 537, Laws of 1916.*]

## **<sup>1</sup>ARTICLE 9**

### **Ballots and Stationery**

Section 330. Official ballots for elections.

331. Classification of ballots; form of ballots for candidates.

332. Form of ballot for questions submitted.

333. Sample ballots, instruction cards and stationery.

<sup>2</sup>333-a. Additional sample ballots in the year nineteen hundred and fourteen; distribution of such ballots.

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<sup>1</sup> As renumbered by chap. 800, Laws of 1913.

<sup>2</sup> Repealed by chap. 537, Laws of 1916.

Section 334. Blank forms for election officers.

335. Form of ballot clerk's return.

336. <sup>3</sup>Description of tally sheets.

337. Forms of return and tally of votes cast for presidential electors.

338. Forms of return and tally of votes for officers other than presidential electors.

339. Forms of return and tally of votes upon questions submitted. .

340. Number of official ballots.

341. Officers providing ballots and stationery.

342. Public inspection of ballots.

343. Distribution of ballots and stationery.

344. Errors and omissions in ballots.

345. Unofficial ballots.

**§ 330. Official ballots for elections.** Official ballots shall be provided at public expense at each polling place for every election at which public officers are to be elected directly by the people, except an election of school district officers or school officers of a city or village at which no other public officer is to be elected, and except an election of officers of a fire district outside of cities and incorporated villages, at which excepted elections any form of ballot which may be adopted and used by the meeting at which such election shall be had shall be legal.

**§ 331. Classification of ballots; form of ballots for candidates.** 1. General provisions. There shall be five kinds of ballots, called respectively ballots for presidential electors, ballots for general officers, ballots upon constitutional amendments and questions submitted, ballots upon town propositions, and ballots upon town appropriations, which shall be used for the purposes which their names severally indicate and not otherwise. Ballots for general officers shall contain the names of all candidates except presidential electors. All ballots shall be printed in black ink, on book paper of good quality free from ground wood, five hundred sheets of which twenty-five by thirty-eight inches in size shall weigh sixty pounds and shall test for that size and weight

<sup>3</sup> Section repealed by chap. 821, Laws of 1913.

at least twenty points on a Morrison tester. They shall be rectangular in shape, not less than eight inches in width and twelve inches in length, and shall have a margin extending beyond any printing thereon.

All ballots of the same kind for the same polling place shall be of precisely the same size, quality and shade of paper, and of precisely the same kind and arrangement of type and tint of ink. A different, but in each case uniform, kind of type shall be used for printing the names of candidates, the titles of offices, political designations, and the reading form of constitutional amendments and other questions and propositions submitted. The names of candidates shall be printed in capital letters in black-faced type not less than one-eighth nor more than three-sixteenths of an inch in height.

Each ballot shall be printed on the same sheet with a stub and shall be separated therefrom by a horizontal line of perforations extending across the entire width of the ballot. On the face of the stub shall be printed the instructions to voters hereinafter provided. On the back of the stub, immediately above the center of the indorsement on the back of the ballot hereinafter referred to, shall be printed "No. . . . .," the blank to be filled with the consecutive number of the ballot, beginning with "No. 1," and increasing in regular numerical order.

On the back of the ballot, below the line of perforations, just to the right of the center, and outside when the ballot is folded, shall be printed the following indorsement, the blanks being properly filled and the numbers running from one upward, consecutively:

Official Ballot (for Presidential Electors).

County of . . . . .

. . . . . Assembly District (ward or town).

. . . . . Election District.

(Date of Election).

(Facsimile of the signature of officer causing the ballot to be printed).

Each ballot shall be printed in sections, on which the candidates' names, emblems and political designations, or the constitutional amendment, or other question submitted, with the voting squares, and other requisite matter shall be boxed in by heavy

black lines in the manner indicated in the illustration of the ballot hereinafter provided. The voting squares and the spaces occupied by emblems shall have a depth and width of five sixteenths of an inch.

In case the sections shall be so numerous as to make the ballot unwieldy if they are printed in one column, they may be printed in as many columns as shall be necessary, and in that case, in order to produce an exactly rectangular ballot, blank sections may be used.

On each ballot shall be voting squares in which voters may make their voting marks. All voting squares shall be bounded by heavy black lines, the perpendicular lines to be not less than one-sixteenth of an inch wide. In all ballots there shall be a perpendicular column of these squares, and in the ballot for general officers, in the case of a candidate for governor or member of assembly nominated by two or more political organizations, the additional squares arranged horizontally as provided in subdivision three of this section. No voting squares shall be provided in the blank spaces for written names.

The ballots bearing the same number at the same election shall constitute a set of ballots.

Each political organization whose party name contains more than eleven letters shall select an abbreviated form thereof containing not more than eleven letters which shall be used upon the ballot whenever the necessities of space shall so require. The abbreviated form shall be certified at the same time and in the same manner as party names are required to be certified. In printing the names of candidates whose full names contain sixteen letters or more not more than one name other than the surname shall be printed in full, and each candidate may indicate in writing to the officer or officers charged with the duty of preparing the ballots the form in which, subject to this restriction, his name shall be printed. No emblem shall occupy a space longer in any direction than the voting square to which it relates.

In conformity with the foregoing provisions and with the provisions of subdivision three of this section the face of the ballot for general officers shall be substantially in the following form:

2. Ballots for presidential electors. The names of the presidential electors of each party shall be printed in one column indicating:

First. The electors at large, whose names shall be arranged in the alphabetical order of the surnames; and

Second. The electors of each district, whose names shall be arranged in the numerical order of their district.

The columns shall be parallel to each other and shall be separated by heavy black lines. In addition to the party columns a blank column with lines for writing shall also be provided in which voters may write the names of candidates for presidential electors not on the ballot and which shall be sufficient to contain as many names as there are electors to be chosen. It shall be designated as the blank column and shall contain no voting spaces. At the head of each party column shall be printed the party emblem; below this a blank circle three-quarters of an inch in diameter; below this the party name in large type; below this the names of the candidates for president and vice-president; and below this a heavy line dividing the heading from the names of the presidential electors. Above the name of the first elector shall be printed the words "presidential electors." The names of the presidential electors shall be printed in spaces one-quarter of an inch in depth, except that the first space containing also the words "presidential electors" shall be half an inch in depth. The spaces shall be divided from each other by light horizontal lines. At the left of the name of each elector shall be printed a voting space one-quarter of an inch square, except the space opposite the first name, which shall be half an inch in depth.

Each party circle shall be surrounded by the following instructions, plainly printed: "For a straight ticket, mark within this circle."

The columns for the presidential electors of independent bodies shall be similar to the party columns except that above the emblem in each column shall be printed the words "independent nominations" in large type like that used for the party names.

In the blank column the space occupied by the emblem and

voting circle in the party column shall be occupied by the following instructions, plainly printed: "In the column below, the voter may write the name of any person for whom he desires to vote whose name is not printed on the ballot." Below the line dividing the heading from the blank spaces shall be printed, as in the other columns, the words "presidential electors."

The columns shall be arranged upon the ballot as directed by the secretary of state, precedence, however, being given to the several parties according to the number of votes for governor polled at the last preceding gubernatorial election.

On the stub at the top of the ballot shall be printed in heavy black type the following instructions:

"1. To vote for all the electors of one party make a cross X mark within the circle above the party column.

2. To vote for some, but not all, of the electors of one party make a cross X mark in the square at the left of the name of every candidate printed on the ballot for whom you desire to vote.

3. To vote for any candidate not on the ballot write his name in the blank space provided therefor.

4. Mark only with a pencil having black lead.

5. Any other mark or any erasure or tear on the ballot renders it void.

6. If you tear, or deface, or wrongly mark this ballot, return it and obtain another."

3. Ballots for general officers. The names of all candidates for any one office shall be printed in a separate section, and the sections shall be in the customary order of the offices and shall be numbered from one upward by a numeral printed in the upper right hand corner of the section. The names of candidates shall be printed in their appropriate section in such order as the board of elections may direct, precedence, however, being given, except as herein otherwise provided, to the candidate of the party which polled the highest number of votes for governor at the last preceding election for such officer, and so on. At the top of each section in the center shall be printed on one line the title of the office. On the same line, to the left of such title and immediately above the emblems and voting squares, there shall be printed a

direction as to the number of candidates for whom a vote may be cast, which direction shall be punctuated by an exclamation point. If two or more candidates are nominated for the same office for different terms, the term for which each is nominated shall be printed as a part of the title of the office. At the bottom of each section as many separate spaces as there are candidates to be elected shall be left blank in which the voter may write the names of any candidates not on the ballot. Except as herein otherwise provided with respect to a candidate for the office of governor or of member of assembly who is nominated by more than one political organization, there shall be printed on each line below the top, in the following order, from left to right, the party emblem, the voting square, the candidate's name and the name of the party by which he is nominated. The width of the enclosure containing the name of the candidate and of such party shall not exceed three and one-half inches. In any case where a candidate for public office is nominated by more than one political organization, the party names and emblems shall appear in the order of priority based on the relative number of votes cast for governor by each organization at the preceding election of a governor. In any such case, the emblems shall be arranged horizontally before the voting square, beginning next to the square immediately preceding the name of the candidate with the emblem of the party casting the highest number of such votes. When any candidate for the office of governor or member of assembly is nominated by more than one political organization, there shall be one voting square, in the same horizontal row as the emblems, to the right of each emblem before the name of a candidate so nominated for such office. The final letter of the party name or names shall be close to the right hand perpendicular line of the box, and any space between the candidate's name and his party name or names shall be filled with dotted or waved lines.

On the stub at the top of the ballot shall be printed the following directions to the voter:

1. To vote for a candidate on this ballot make a single cross X mark in one of the squares to the right of an emblem opposite his name.

2. To vote for a candidate not on this ballot write his name on a blank line under the candidates for that office.

3. Mark only with a pencil having black lead.

4. Any other mark, erasure or tear on this ballot renders it void.

5. If you tear, or deface, or wrongly mark this ballot, return it and obtain another.

In direction number one the words "right" and "emblem" shall be underlined. [*As amended by chap. 821, Laws of 1913, chap. 244, Laws of 1914, and chap. 537, Laws of 1916.*]

**§ 332. Form of ballot for questions submitted.** The reading form of each proposed constitutional amendment or other question submitted as provided in section two hundred and ninety-five of this chapter shall be printed in a separate section. At the left of each question shall appear two voting squares, one above the other, each at least one-half inch square. At the left of the upper square shall be printed the word "Yes," and at the left of the lower square shall be printed the word "No." On the stub at the top of the ballot shall be printed the following directions to the voter:

1. To vote "Yes" on any question make a cross  $\times$  mark in the square opposite the word "Yes."

2. To vote "No," make a cross  $\times$  mark in the square opposite the word "No."

3. Mark only with a pencil having black lead.

4. Any other mark, erasure or tear on the ballot renders it void.

5. If you tear, or deface, or wrongly mark this ballot, return it and obtain another.

The questions shall be numbered consecutively on the face of the ballot, and on the back of each voting section shall be printed the number of the question which it contains.

So far as possible the ballots upon town propositions shall conform to the directions herein contained respecting the ballot on constitutional amendments and questions submitted.

All ballots for the submission of town propositions for raising or appropriating money for town purposes, or for incurring a town

liability, to be voted at any town meeting in any town, shall be separate from all other ballots for the submission of other propositions or questions to the electors of such town to be voted at the same town meeting or election. Such ballots shall be indorsed "ballot upon town appropriations." [*As amended by chap. 821, Laws of 1913.*]

**§ 333. Sample ballots, instruction cards and stationery.** Sample ballots of each kind equal in number to twenty-five per centum of the number of official ballots provided therefor, shall also be provided for every polling place for which official ballots are required to be provided. Such sample ballots shall be printed on paper of a different color from any of the official ballots and without numbers on the stubs, but shall, in all other respects, be precisely similar to the official ballots to be voted at that polling place. One of each kind of such sample ballots shall, at any time on the day of election, be furnished upon application to any voter entitled to vote at that polling place, and may be taken by him away from such polling place before receiving his official ballot or ballots.

Twelve instruction cards, printed in English, and twelve printed in each of such other languages as the officer or officers charged with providing them shall deem necessary, shall also be provided for each such polling place, containing in clear, large type, full instructions for the guidance of voters in obtaining ballots for voting, in preparing their ballots for deposit in the boxes, in returning their ballots to the ballot clerks, and in obtaining new ballots in place of those returned, and, in smaller type, a copy of each of the sections of the penal law relating to crimes against the elective franchise. There shall also be provided two poll books, a suitable number of markers, designated as "distance markers," to indicate the distance of one hundred feet from the polling place, a sufficient supply of all blanks and forms which are needed by the election officers, heavy manila envelopes for returns and excess ballots, labels, sealing wax, pencils having black lead only, pens, penholders, blotting paper and red and black ink. All such articles

herein enumerated are hereby designated as "stationery." [As amended by chap. 821, Laws of 1913.]

**§ 334. Blank forms for election officers.** 1. General provisions. At each election at which official ballots shall be used the officers charged with the duty of furnishing official ballots shall furnish to the board of inspectors of each election district printed blanks upon which the election officers shall make written returns showing the performance of their duties as such officers. These blanks shall include blanks for a return by the ballot clerks, tally sheets for tallying the votes as canvassed, and blanks for a return by the inspectors of the votes as tallied. There shall be furnished for each election district three copies of each of the return sheet blanks and two copies of each of the tally sheet blanks required at that election district and no more. Each blank shall have at the top in large letters a descriptive title according to the nature of the blank. It shall also contain immediately under the title a heading, showing the kind of election, whether special or general, the date, the name of the county, and the number of the assembly district and of the election district in which it is to be used. The other printed matter to appear on the several blanks shall be as hereinafter provided.

2. Forms of returns and tally sheets. The return blanks and tally sheet blanks shall be as nearly as possible in the forms hereinafter provided, and all returns and tally sheets must be kept and filled out according to the forms so provided and in accordance with the instructions contained therein.

In printing the forms, the matter in brackets, [ ] being instructions to the printers, is to be omitted. The printer shall also omit the names and figures which are inserted in the forms for the purpose of illustration.

A separate tally sheet shall be provided for each office or constitutional amendment or question submitted for which votes are to be canvassed.

3. Penalty for refusal to fill out returns and tally sheets. Any election officer who shall willfully neglect or refuse to fill out

any return or tally sheet according to the directions of this chapter shall be guilty of a misdemeanor. [*As amended by chap. 821, Laws of 1913.*]

**§ 335. Form of ballot clerk's return.** The ballot clerk's return shall be in the following form:

**BALLOT CLERK'S RETURN.**

General Election.

County of .....

..... Assembly District.

November ..... 19 ..

..... Election District.

Total number of Official Ballots for [General Officers] received .....		800
Number cancelled before delivery to voters .....	2	
Number spoiled and returned by voters .....	25	
Number remaining unused .....	288	315
Number remaining to be accounted for in the ballot box .....		485
<hr/>		
Number of detached stubs .....		
Number of stubs on unused ballots .....		
Total .....		

N. B. This total must exactly equal the number of ballots received.

[Repeat the foregoing form for a return of each additional kind of ballot.]

STATE OF NEW YORK, }  
COUNTY OF ..... } ss:

The undersigned, being duly sworn, do depose and say, each for himself, that they have actually counted the cancelled ballots, and the ballots spoiled and returned by voters, and the detached stubs, and that the foregoing is a correct return of the ballots delivered to us for the election held on the \_\_\_\_\_ day of November, 19\_\_\_\_, at the \_\_\_\_\_ Election District in the \_\_\_\_\_ Assembly District in the County of \_\_\_\_\_, and of the disposition thereof at such election.

Sworn to before me, this

day of November, 19\_\_\_\_.

..... Ballot Clerk.

.....  
Inspector of Elections.

..... Ballot Clerk.

[As amended by chap. 821, Laws of 1913.]

**§ 337. Forms of return and tally of votes cast for presidential electors.**

1. Return. The official return of votes cast for presidential electors shall be in the following form:

## County of .....

.....Assembly District.  
.....Election District.

### Straight Ballots:

For [Republican] candidates.....

For **Democratic** candidates.....

[Print the names of the parties in the order  
in which they appear on the ballot.]

**Split Ballots.**.....

Ballots wholly blank (no vote being cast thereon for any candidate) . . . .

**Void Ballots** (no vote being counted thereon for any candidate).....

**Total**.....

N. B. This total must exactly equal the number of ballots voted.

The candidates named below received the number of votes set opposite their respective names:

NAME	NUMBER OF VOTES	NAME	NUMBER OF VOTES	NAME	NUMBER OF VOTES
[Republican] Electors		[Democratic] Electors		Candidates not on the ballot (Write in Names)	

[Print the groups, and also the names in the groups, in the order in which they appear on the Ballot.]

The number of blank, void and protested ballots was:

The number of ballots taken from the ballot box by the chairman as excess ballots and placed with the spoiled and mutilated ballots, was:

STATE OF NEW YORK.

COUNTY OF.....

The undersigned, being duly sworn, do depose and say, each for himself, that the foregoing is a correct return of the ballots cast for presidential electors at the election held on the day of November, 19 , at the Election District in the Assembly District in the County of .

Sworn to before me this.....  
day of November, 19.....

.....  
**Ballot Clerks.**

..... Inspector.  
 ..... Inspector.  
 ..... Inspector.  
 ..... Inspector.  
 ..... Poll Clerk.  
 ..... Poll Clerk.

N. B. To two out of the three returns tally sheets must be annexed.

2. Tally. The official tally of votes cast for presidential electors shall be in the following form: [*As amended by chap. 821, Laws of 1913.*]

### §. 338. Forms of return and tally of votes for officers other than presidential electors.

1. Return. The official return of votes for officers other than presidential electors shall be substantially in the following form with appropriate changes to indicate the vote for governor of each separate party or independent body by whom a candidate therefor was nominated:

#### OFFICIAL RETURN of Votes cast for [General officers].

General Election. County of.....  
 ..... Assembly District.  
 November.....19 ..... Election District.

Return of votes cast for office of [Governor].

Total Number of Ballots Voted:  
 Number to be elected to said office: \_\_\_\_\_

Total number of Votes to be canvassed: \_\_\_\_\_

For the office of.....the candidates named below received the number of votes set opposite their respective names.

[Print here the names of the candidates as they appear on the ballot, with six lines in addition for names to be written in and if a candidate for governor was nominated by more than one political organization, repeat the candidate's name as many times as he was nominated, inserting the vote of each party or independent body separately.]

Blank Votes.....

Void Votes.....

Total.....

[Repeat the foregoing return for each office.]

The number of blank, void and protested ballots was: \_\_\_\_\_

The number of ballots which were taken from the ballot box by the chairman as excess ballots and placed with the spoiled and mutilated ballots, was: \_\_\_\_\_

STATE OF NEW YORK, }  
 COUNTY OF..... } ss.:

The undersigned, being duly sworn, do depose and say, each for himself, that the foregoing is a correct return of the ballots cast for the above offices at the election held on the

day of ..... 19 ....., at the ..... Election District  
 in the ..... Assembly District in the County of .....

Sworn to before me, this..... Inspector.  
 day of November, 19 ..... Inspector.  
 ..... Inspector.  
 ..... Inspector.  
 ..... Poll Clerk.  
 Ballot Clerk. .... Poll Clerk.

N. B. To two out of the three returns tally sheets must be annexed.

2. Tally. The official tallies of votes cast for officers other than presidential electors shall be in the following form with appropriate changes to indicate, where a candidate for governor was nominated by more than one political organization, the separate vote cast by each party or independent body for such candidate. [*As amended by chap. 821, Laws of 1913.*]

**§ 339. Forms of return and tally of votes upon questions submitted.**

1. Return. The return sheet of votes upon constitutional amendments or other questions submitted, including town propositions and town appropriations, shall be in all respects like the form provided by this section for the return of votes for officers except in the following particulars:

(a) At the top of the sheet shall be printed the words "Official return of votes cast on (constitutional amendments, questions submitted, town propositions, or town appropriations, as the case may be)."

(b) Below the heading, in place of the words, "Return of votes cast for office of . . . . .," shall be printed the words, "Return of votes cast on question number (one) relating to (here give brief description)."

(c) The words "Number to be elected to said office," and "Total number of votes to be canvassed," shall be omitted.

(d) In place of the words "For the office of . . . . . the candidates named below received the number of votes set opposite their respective names," shall be printed the words, "Upon question number (one) relating to (here give same description as above directed) votes were cast as follows:

Votes in favor. . . . .

Votes against . . . . .

(e) The verification shall be so modified as to state that the return is of ballots cast on constitutional amendments and questions submitted.

2. Tally. The tally sheet for constitutional amendments or other questions submitted shall be in all respects like the form provided by this section for the tally of votes for officers except in the following particulars:

(a) At the top of the sheet shall be printed the words: "Official tally of votes cast on question number one" (or other brief designation).

(b) The matter at the top of the tally sheet, except the title, the

blanks to be filled in for the purpose of specifying the date and place of election, and the words, "Total number of votes to be canvassed," shall be omitted.

(c) In place of the candidates' names in the left hand column shall be printed the words "For (or against, as the case may be) question No. (or other brief designation)."

(d) The lines of tally squares left on the form herewith printed for names of candidates not on the ballot shall be omitted.

(e) The fourth instruction for tallying shall read as follows: "4. Tally once for each vote, whether counted for or against the question, or blank, or void."

We certify that the foregoing statement is correct.

Dated this ..... day of November, .....

.....  
 .....  
 .....  
 .....

Board of Inspectors.

[As amended by chap. 821, Laws of 1913.]

**§ 340. Number of official ballots.** The number of official ballots of each kind to be provided for each polling place for each election to be held thereat, except a village election held at a different time from a general election, shall be one and one-fourth times as many ballots as near as may be as there were names of voters on the register of voters of such district for such election at the close of the final regular meeting for such registration. In cities of the first class the officer or board charged with the duty of furnishing official ballots shall furnish one and one-fourth times as many official ballots of each kind to be provided for such election as there are voters entitled to vote thereat, as nearly as can be estimated by such officer or board. The number of official ballots of each kind to be provided for each polling place for a town meeting held at any time or a village or city election held at a different time from a general election, shall be one and one-fourth times the number of persons who will be entitled to vote thereat, as nearly as can be estimated by the officer charged with the duty of providing such ballots. [As amended by chap. 820, Laws of 1913.]

**§ 341. Officers providing ballots and stationery.** The county clerk, in each of the counties of Oneida and Broome,

the commissioner of elections in any county having one commissioner of elections, the board of elections in every other county except a county within the city of New York, and in any such county the board of elections of such city, shall provide the requisite number of official and sample ballots, cards of instruction, two poll books, distance markers, two tally sheets of each kind, three return blanks of each kind, pens, penholders, red and black ink, pencils having black lead, blotting paper, sealing wax and such other articles of stationery as may be necessary for the proper conduct of the election and the canvass of the votes, for each election district in the county, for each election to be held thereat, except that when town meetings, city or village elections and elections for school officers are not held at the same time as a general election, the clerk of such town, city or village, respectively, shall provide such official and sample ballots and stationery for such election or town meeting. If the town meeting is held on general election day ballots and sample ballots for town propositions and official and sample general ballots on which town officers only are to be voted for shall be provided by the town clerk in like manner and in the same form as at a town meeting held at any other time, and such town clerk shall also furnish return blanks for making returns on town propositions or questions and for making returns of votes cast for candidates for town officers at such an election, and the expense of furnishing such ballots, sample ballots and return blanks shall be a town charge. And the board of elections of the city of New York shall provide such articles for each election to be held in said city. [*Amended by chap. 649, Laws of 1911, chap. 821, Laws of 1913, and chap. 454, Laws of 1916.*]

§ 3. The board of elections in each of the counties of Oneida and Broome is hereby abolished, and the terms of office of the members of any such board shall expire, and the powers, duties, offices and employment of such members and of the subordinates of such board shall cease and determine when this act takes effect. This act shall not affect any pending matter pertaining to the powers and duties of the board of elections of either of such counties under the election law, nor affect the running of time with respect to any matter or proceeding provided for in such law. Any such pending matter shall be continued and disposed of by the county clerk of the proper county. [*Added by chap. 454, Laws of 1916.*]

**§ 342. Public inspection of ballots.** Each officer or board charged with the duty of providing official ballots for any polling place, shall have sample ballots and official ballots provided, and in the possession of such officer or board, and open to public inspection as follows: The sample ballots five days before the election, and the official ballots four days before the election for which they are prepared, unless prepared for a village election or town meeting held at a different time from a general election, in which case the official \*ballot shall be so printed and in possession at least one day, and the sample ballots at least two days, before such election or town meeting. During the times within which the same are open for inspection as aforesaid, it shall be the duty of the officer or board charged by law with the duty of preparing the same, to deliver a sample ballot of the kind to be voted in his district to each qualified elector who shall apply therefor, so that each elector who may desire the same may obtain a sample ballot similar, except as regards color and the number on the stub, to the official ballot to be voted at the polling place at which he is entitled to vote.

**§ 343. Distribution of ballots and stationery.** The board of elections of each county, except those counties which are wholly within the city of New York, shall deliver at its office to each town or city clerk in such county, except in New York city and in the city of Buffalo, on the Saturday before the election for which they are required, the official and sample ballots, cards of instruction and other stationery required to be provided for each polling place in such town or city for such election. It is hereby made the duty of each such town or city clerk to call at the office of such board of elections at such time and receive such ballots and stationery. In the cities of New York and Buffalo the board or officer required to provide such ballots and stationery shall cause them to be delivered to the board of inspectors of each election district at least one-half hour before the opening of the polls on each day of election. Each kind of official ballots shall be arranged in a package in the consecutive order of the numbers printed on the stubs thereof, beginning with number one. All official and sample ballots provided for such election shall be in separate sealed packages, clearly marked on the outside thereof with the number and kind of ballots contained therein and indorsed with the designation

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\* So in original.

of the election district for which they were prepared. The instruction cards and other stationery provided for each election district shall also be inclosed in a sealed package or packages, with a label on the outside thereof showing the contents of each such package. Each such town and city clerk receiving such packages shall cause all such packages so received and marked for any election district to be delivered unopened and with the seals thereof unbroken to the inspectors of election of such election district one-half hour before the opening of the polls of such election therein. The inspectors of election receiving such packages shall give to such town or city clerk, or board, delivering such packages a receipt therefor specifying the number and kind of packages received by them, which receipt shall be filed in the office of such clerk or board. Town, city and village clerks required to provide the same for town meetings, city and village elections held at different times from a general election, shall in like manner, deliver to the inspectors or presiding officers of the election at each polling place at which such meetings and elections are held, respectively, the official ballots, sample ballots, instruction cards and other stationery, required for such election or town meeting, respectively, in like sealed packages marked on the outside in like manner, and shall take and file receipts therefor in like manner in their respective offices. [*Amended by chap. 537, Laws of 1916.*]

**§ 344. Errors and omissions in ballots.** Upon affidavit, presented by any voter, that an error or omission has occurred in the publication of the names or description of the candidates nominated for office, or in the printing of sample or official ballots, the supreme court, or a justice thereof, may make an order requiring the board of elections or other officer or board charged with the duty in respect to which such error or omission occurs to correct such error, or show cause why such error should not be corrected. The board of elections or such other officer or board shall, upon his own motion, correct without delay any patent error in the ballots which they may discover, or which shall be brought to their attention, and which can be corrected without interfering with the timely distribution of the ballots to the inspectors for use at such election. [*Amended by chap. 537, Laws of 1916.*]

**§ 345. Unofficial ballots.** If the official ballots required to be furnished to any town or city clerk, or board, shall not be

delivered at the time required, or if after delivery shall be lost, destroyed or stolen, the clerk of such town or city, or such board, shall cause other ballots to be prepared as nearly in the form of the official ballots as practicable, but without the indorsement, and upon the receipt of ballots so prepared from such clerk or board, accompanied by a statement under oath that the same have been so prepared and furnished by him or them, and that the official ballots have not been so delivered, or have been so lost, destroyed or stolen, the inspectors of election shall cause the ballots so substituted to be used at the election in the same manner, as near as may be, as the official ballots. Such ballots so substituted shall be known as unofficial ballots.

## **<sup>1</sup>ARTICLE 10**

### **Conduct of Elections and Canvass of Votes**

Section 350. Opening the polls.

351. Persons within the guard-rail.

352. Watchers; challengers; electioneering.

353. General duties of inspectors.

354. General duties of ballot clerks.

355. General duties of poll clerks.

356. Delivery of ballots to voters.

357. Assistance to disabled or illiterate voters.

358. Preparation of ballots by voters.

359. Manner of voting.

360. When unofficial ballots may be voted.

361. Challenges.

362. Preliminary oath.

363. General oath and additional oaths.

364. Record of persons challenged.

365. Time allowed employees to vote.

366. Canvass of votes; preparation for canvass.

367. Comparing poll books and registers; verifying number of ballots.

368. Method of canvassing.

369. Objections to the counting; disposal of ballots.

370. Proving the tallies.

371. General provisions as to canvass.

372. Statement of canvass to be delivered to police.

373. Returns of canvass.

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<sup>1</sup>As renumbered by chap. 800, Laws of 1913.

Section 374. Preservation of ballots.

375. Proclamation of result.

376. Sealing statements.

377. Delivery and filing of papers relating to the election; general provisions.

378. Delivery and filing of papers in the city of New York.

379. <sup>17</sup>Additional requirements in the metropolitan elections district.

380. Delivery and filing of papers in the county of Erie.

381. Judicial investigation of ballots.

**§ 350. Opening the polls.** The inspectors of election, poll clerks and ballot clerks of each election district shall meet at the polling place therein at least one-half hour before the time set for opening the polls at each election for which official ballots are required to be provided, and shall proceed to arrange the space within the guard-rail and the furniture thereof, including the voting booths, for the orderly and legal conduct of the election.

The inspectors of election shall then and there have the ballot boxes required by law for the reception of ballots to be voted thereat; the box for the reception of ballots found to be defective in printing or mutilated before delivery to, and ballots spoiled and returned by, voters; the box for the stubs of voted and spoiled ballots; the sealed packages of official ballots, sample ballots and instruction cards and distance markers, poll books, tally sheets, return blanks and other stationery required to be delivered to them for such election; and if it be an election at which registered voters only can vote, the register of such voters required to be made and kept therefor.

The inspectors shall thereupon open the sealed packages of instruction cards and cause them to be posted conspicuously, at least one, and if printed in different languages, at least one of each language, in each of the voting booths of such polling place, and at least three of each language in which they are printed in or about the polling place; shall open the sealed packages of official ballots and sample ballots, and place them in charge of the ballot clerks, and shall place the poll books in charge of the poll clerks, and shall cause to be placed at a distance of one hundred feet from the polling place the visible markers designated herein as

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<sup>17</sup> Section repealed by chap. 649, Laws of 1911.

"distance markers," to prohibit "loitering or electioneering" within such distance. They shall also, before any ballots are cast, see that the voting booths are supplied with pencils having black lead only, unlock the ballot boxes, see that they are empty, allow the watchers present to examine them, and shall lock them up again while empty in such manner that the watchers present and persons just outside the guard-rail can see that such boxes are empty when they are relocked.

After such boxes are so relocked they shall not be unlocked or opened until the closing of the polls of such election, and, except as authorized by law, no ballots or other matter shall be placed in them after they are so relocked and before the announcement of the result of such canvass and the signing of the original statement of canvass and the two certified copies thereof. The instruction cards and distance markers posted as provided by law shall not be taken down, torn or defaced during such election. The ballot clerks with the official and sample ballots, the inspectors with such boxes and register of voters, and the poll clerks with their poll books, shall be stationed as near each other as practicable within such inclosed space. One of the inspectors shall then make proclamation that the polls of the election are open, and of the time in the afternoon when the polls will be closed.

**§ 351. Persons within the guard-rail.** From the time of the opening of the polls until the announcement of the result of the canvass of the votes cast thereat, and the signing of the official returns of such canvass and the copies thereof, the boxes and all official ballots shall be kept within the guard-rail. No person shall be admitted within the guard-rail during such period, except inspectors, poll clerks, ballot clerks, duly authorized watchers, persons admitted by the inspectors to preserve order or enforce the law, and persons duly admitted for the purpose of voting; provided, however, that candidates for public office voted for at such polling place may be present at the canvass of the votes.

**§ 352. Watchers; challengers; electioneering.** Each political party or independent body duly filing certificates of nomination of candidates for offices to be filled at any such election, may, by a writing signed by the duly authorized county, city, town or village committee of such political party or independent body, or by the chairman or secretary thereof charged with that duty, and delivered to and filed with one of the inspectors of election, appoint

not more than two watchers to attend each polling place thereof. Such committee, chairman or secretary thereof for a city, county, town or village shall not appoint watchers for any polling place outside of such city, county, town or village, respectively. Each watcher must be a qualified elector of the county in which the election district for which he is appointed a watcher shall be located, provided that women who are citizens and residents of the county, and of the age of twenty-one years, may act as watchers, with full rights and privileges of such office, at any election whenever held at which a woman suffrage constitutional amendment is submitted to the voters except that but one woman watcher for, and one woman watcher opposed to, the adoption of such amendment shall be permitted in each election district. Such watchers may be present at such polling place and within the guard-rail from at least fifteen minutes before the unlocking and examination of any ballot box at the opening of the polls of such election until after the announcement of the result of the canvass of the votes cast thereat and the signing of the returns of the canvass by the inspectors.

A reasonable number of challengers, at least one person of each such party or independent body, shall be permitted to remain just outside of the guard-rail of each such polling place, where they can plainly see what is done within such rail outside of the voting booths, from the opening to the close of the polls thereat. Each challenger must be a qualified elector of the county in which the election district for which he is appointed a challenger is located.

No person shall, while the polls are open at any polling place, do any electioneering within such polling place or within one hundred feet therefrom in any public street or in any building or room, or in a public manner, and no political banner, poster or placard shall be allowed in or upon such polling place during any day of registration or of the election. [*As amended by chap. 428, Laws of 1910, chap. 649, Laws of 1911, chap. 821, Laws of 1913, and chap. 242, Laws of 1914.*]

**§ 353. General duties of inspectors.** One of the inspectors of election at each polling place shall be designated by the board of inspectors of election to receive the ballots from the voters voting; or if a majority of the inspectors shall not agree in such designation, they shall draw lots for such position. If it be an election for which voters are required to be registered, the other inspectors shall, before any ballots are delivered by the ballot clerks to a voter, ascertain whether he is duly registered.

The ballot clerks shall not deliver any ballot to such voter until the inspectors announce that he is so registered. As each voter votes, the inspectors shall check his name upon such register and shall enter therein in the column provided therefor opposite the name of such voter, the consecutive number upon the stub of the ballot or set of ballots voted by him. The inspector shall forthwith upon detaching the stub from any official ballot deposit the same in the box provided for detached stubs.

**§ 354. General duties of ballot clerks.** Ballot clerks shall fold and deliver the ballots to voters. Ballots shall be delivered in numerical order beginning with number one. When the ballots are in sets they shall only be delivered in sets. If a ballot is found to be defective or mutilated before it is delivered to the voter, its stub and the stubs of all other ballots in the set shall immediately be detached and placed in the box for stubs, and all the ballots of that set shall immediately be marked "canceled" and placed in the box for spoiled and mutilated ballots. If a voter returns a ballot as defective, mutilated, defaced, or wrongly marked, he shall also return all the other ballots of the set, if any, and the ballot clerks shall likewise remove their stubs, placing all the stubs in the box for stubs and all the ballots of the set in the box for spoiled or mutilated ballots, first marking the ballots "cancelled." In each case the voter shall receive another ballot, or set of ballots, unless not entitled thereto under section three hundred and fifty-eight.

Upon each delivery of official ballots, the ballot clerks shall announce the voter's name and the number on the stub, and they shall make a similar announcement when any ballot is returned to them.

The ballot clerks shall keep a record of all ballots deposited in the box for spoiled and mutilated ballots. [*As amended by chap. 821, Laws of 1913.*]

**§ 355. General duties of poll clerks.** 1. Poll clerks shall keep a record of the persons voting or offering to vote, and tally the votes during the canvass thereof.

2. Each poll clerk at each polling place for which official ballots are required to be provided shall have a poll-book for keeping the list of electors voting or offering to vote thereat at the election. Such book shall have eight columns headed respectively: "Number of elector," "Names of electors," "Resi-

dence of electors," "Signature or statement number of elector," "Signatures compared by inspector," "Number on ballots delivered to electors," "Number on ballots voted," and "Remarks;" provided, however, that the columns for "Signature or statement number of elector" and "Signatures compared by the inspector," when the poll-book is prepared for use in an election district, wholly outside of a city or village having five thousand inhabitants or more, may in the discretion of the board or officer supplying such books be omitted therefrom. Previous to each delivery of an official ballot or set of official ballots by the ballot clerk to an elector, each poll clerk shall enter upon his poll-book in the appropriate column the number of the elector, in the successive order of the delivery of ballots to electors, the name of the elector in the alphabetical order of the first letter of his surname, his residence by street and number or if he has no street number, a brief description of the locality thereof. The column headed "Signature or statement number of elector," shall have printed above each horizontal line the words "the foregoing statements are true," and any elector whose registration was required to be personal shall, previous to the receipt of an official ballot, sign his name by his own hand and without assistance, using an indelible pencil or ink, below the said words in the poll-book kept by the poll clerk who shall be designated by the chairman of the board of inspectors. No such signature shall be required of an elector whose registration was not required to be personal.

After an elector, whose registration was required to be personal, shall have so signed, and before an official ballot shall be given to him, one of the inspectors other than the inspector who receives the ballots from the electors shall compare the signature made in the poll-book with the signature theretofore made by the elector in the registration book on registration day, and if said signature is the same, or sufficiently similar to the signature written on registration day, as to identify it as being written by the same person who wrote the signature on registration day, said inspector shall thereupon certify that fact by writing his initials after such signature, in the column headed "Signatures compared by inspector." The inspector who shall so certify shall be chosen by lot by the board previous to the opening of the polls on election day, and if said inspector so chosen shall absent himself during the day, the board of inspectors shall fill his place by choosing by lot from the inspectors present another of the inspec-

tors other than the inspector who receives the ballots from the electors.

If, on registration day, an elector whose registration was required to be personal had alleged his inability to so sign, then one of the poll clerks designated by the chairman of the board of inspectors shall read the same list of questions to the elector as were required to be read on registration days from a book to be provided for election day, and to be known as "identification statements for election day," and said poll clerk shall write the answers of the elector thereto. Each of these statements shall be numbered and a number corresponding to the number on the statement sheet shall be entered in the fourth column opposite the name of such elector answering the questions. The questions answered on registration day by the elector shall not be turned to or inspected until all the answers to said questions shall have been written down on election day by the poll clerk. Any person who shall prompt an elector in answering any questions provided in this subdivision shall be guilty of a felony.

At the bottom of each such list of questions shall be printed the following statement: "I certify that I have read to the above named elector each of the foregoing questions and that I have duly recorded his answers as above to each of said questions," and said poll clerk who has made the above record shall sign his name to said certificate and date the same, and note the time of day of making such record.

The comparison of the signature of an elector made on registration and election days, and a comparison of the answers made by an elector on registration and election days, shall be had in full view of the watchers, and the right to challenge electors shall exist until the ballot shall have been deposited in the ballot box. If the signature of the elector or the answers to the questions made by the elector do not correspond, then it shall be the privilege of the watchers and challengers to challenge and the duty of each inspector to challenge, unless some other authorized person shall challenge.

Each poll clerk in every election district of the state shall enter upon his poll-book in the appropriate column the printed number upon the stub of the ballots delivered to each elector, and the number on the ballots voted by him. If the ballot or set of ballots delivered to any elector shall be returned by him to the ballot clerk, and he shall obtain a new ballot or set of ballots, the poll clerk shall write opposite his name on the poll-books, in the

proper column, the printed number on the stub of such ballot or additional set of ballots. Each poll clerk shall make a memorandum upon his poll-book opposite the name of each person who shall have been challenged and taken either of the oaths prescribed upon such challenge, or who shall have received assistance in preparing his ballot and shall also enter upon the poll-book opposite the name of such person the names of the election officers or persons who render such assistance, and the cause or reason for such assistance by the elector assisted. As each elector offers his ballot or set of ballots which he intends to vote to the inspector, each poll clerk shall report to the inspector whether the number entered on the poll-book kept by him as the number on the ballot or set of ballots last delivered to such elector is the same as the number on the stub of the ballot or set of ballots so offered. As each elector votes, each poll clerk shall enter in the proper column on his poll-book the number on the detached stub of the ballots voted. [*As amended by chap. 428, Laws of 1910, chap. 649, Laws of 1911, chap. 821, Laws of 1913, and chap. 537, Laws of 1916.*]

**§ 356. Delivery of ballots to voters.** While the polls of the election are open, the voters entitled to vote and who have not previously voted thereat, may enter within the guard-rail at the polling place of such election for the purpose of voting, in such order that there shall not at any time be within such guard-rail more than twice as many voters as there are voting booths thereat, in addition to the persons lawfully within such guard-rail for other purposes than voting. The voter shall enter within the guard-rail through the entrance provided, and shall forthwith proceed to the inspectors and give his name, and, if in a city or village of five thousand inhabitants or over, his residence by street and number, or if it have no street number, a brief description of the locality thereof, and if required by the inspectors shall state whether he is over or under twenty-one years of age. One of the inspectors shall thereupon announce the name and residence of the voter in a loud and distinct tone of voice. No persons shall be allowed to vote in any election district at any election where voters are required to be registered unless his name shall be upon the registration books of such election district.

The right of any person to vote whose name is on such register shall be subject to challenge. If such voter is entitled to vote thereat and is not challenged, or if challenged and the challenge be decided in his favor, one of the ballot

clerks shall then deliver to him one official ballot or a set of official ballots, folded by such ballot clerk in the proper manner for voting, which is: First, by bringing the bottom of the ballot up to the perforated line, and second, by folding both sides to the center, or towards the center, in such manner that when folded the face of each ballot shall be concealed, and the printed number on the stub and the indorsement on the back of the ballot shall be visible, so that the stub can be removed without removing any other part of the ballot, and without exposing any part of the face of the ballot below the stub, and so that when folded the ballot shall not be more than four inches wide.

No person other than an inspector or ballot clerk shall deliver to any voter within such guard-rail any ballot, and they shall deliver only such ballots as the voter is legally entitled to vote, and also the sample ballot when the same is asked for.

### **§ 357. Assistance to disabled or illiterate voters.**

Any voter who shall, at the time of registration, have made oath of physical disability or illiteracy, as prescribed by section one hundred and sixty-four of this chapter; or who, being duly registered in an election district where personal registration by all voters is required by law, shall state under oath to the inspectors of election on the day of election that, by reason of some accident, the time and place of which he must specify, or of disease, the nature of which he must also specify, he has, since the day upon which he registered, lost the use of both hands, or become totally blind, or afflicted by such degree of blindness as will prevent him, with the aid of glasses, from seeing the names printed upon the official ballot, or so crippled that he can not enter the voting booth and prepare his ballot without assistance; or any voter in an election district who is not required by law to personally register, who is unable to write by reason of illiteracy, or is physically disabled in one or more ways described in section one hundred and sixty-four of this chapter, and who shall make the statement under oath to the inspectors in the form required in said section, may choose two of the election officers, both of whom shall not be of the same political faith, to enter the booth with him to assist him in preparing his ballots. At any town meeting or village election where the election officers are all of the same political faith, any voter entitled to assistance as herein provided may select one of such election officers and one voter of such town or village of opposite political faith from such election officer so selected, to render such assistance.

Such election \*officers or persons assisting a voter shall not in any manner request or seek to persuade or induce any such voter to vote any particular ticket, or for any particular candidate, and shall not keep or make any memorandum or entry of anything occurring within such booth, and shall not, directly or indirectly, reveal to any other person the name of any candidate voted for by such voter, or which ticket he has voted, except they be called upon to testify in a judicial proceeding for a violation of this chapter, and each election officer, before the opening of the polls for the election, shall make oath that he "will not in any manner request, or seek to persuade, or induce any voter to vote any particular ticket or for any particular candidate, and that he will not keep or make any memorandum or entry of anything occurring within the booth, and that he will not, directly or indirectly, reveal to any person the name of any candidate voted for by any voter, or which ticket he has voted, or anything occurring within the voting booth, except he be called upon to testify in a judicial proceeding for a violation of the election law." The same oath shall be taken by every voter rendering such assistance, as provided for above, and any violation of this oath shall be a felony punishable upon conviction by imprisonment in a state prison for not less than two nor more than ten years.

No voter shall otherwise ask or receive the assistance of any person within the polling place in the preparation of his ballot, or divulge to any one within the polling place the name of any candidate for whom he intends to vote or has voted.

**§ 358. Preparation of ballots by voters; intent of voters.** On receiving his ballot the voter shall forthwith and without leaving the inclosed space retire alone, unless he be one that is entitled to assistance in the preparation of his ballot, to one of the voting booths, and without undue delay unfold and mark his ballot as hereafter prescribed. No voter shall be allowed to occupy a booth already occupied by another, or to occupy a booth more than five minutes in case all the booths are in use and voters waiting to occupy the same.

It shall be unlawful to deface or tear an official ballot in any manner; or to erase any printed line, letter or word therefrom; or to erase any name or mark written thereon by a voter. If a voter wrongly mark, deface, or tear a ballot or one of a set of ballots, he may successively obtain others, one set at a time, not

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\* So in original.

exceeding in all three sets, upon returning to the ballot clerks each set of ballots already received.

The voter shall mark his ballot with a pencil having black lead as follows and not otherwise:

1. To vote for any candidate on any ballot, except for an entire group of presidential electors by means of a single mark as hereinafter provided, he shall make a cross  $\times$  mark in the voting square at the left of the candidate's name.

2. To vote for any candidate not on the ballot, he shall write the candidate's name on a line left blank in the appropriate place.

3. To vote for an entire group of presidential electors, nominated by any party, he shall make a cross  $\times$  mark in the circle above the party column. If, on a ballot for presidential electors, the voter shall make such mark in the circle above a party column and also before the name of a candidate in such column, or in the voting squares before the names of two or more candidates in such column, without making a voting mark in any voting square of another column and without writing in any name, such individual voting marks shall be treated as surplusage and his vote shall be deemed to have been cast for all of the candidates whose names appear in the party column below such circle. If, however, a ballot for presidential electors shall be so marked in a party circle and in one or more voting squares in the column under such circle and also in any voting square or squares in another column or columns or a name or names be also written in, the vote on a ballot so marked shall only be counted for the candidates so specially indicated.

4. If, on a ballot for presidential electors, the voter shall make a cross  $\times$  mark in the circle above a party column, and no voting mark in any voting square of the same column, and shall also make a cross  $\times$  mark in the voting square before the name of a candidate in another party column, or in such squares before the names of two or more candidates in one or more of such other party columns, or writes in a name or names, he shall be deemed to have voted for the candidates whose names are thus specially indicated and also for all of the candidates whose names appear in the column below the circle containing such mark, except those whose names are printed in the latter column on a horizontal line with the names so specially indicated; provided, however, that if the voter shall make a cross  $\times$  mark in the circle above a party column and also cross  $\times$  marks in voting squares before any two or more names on the same horizontal line or write a name in a

blank space on a horizontal line with one or more names so individually marked, his vote shall be counted only for candidates for the office of presidential elector which, by individual voting marks or by writing, he shall have specially indicated, though there be no such marks in the column under such circle.

5. To vote on any constitutional amendment or question submitted, he shall make a cross  $\times$  mark in the appropriate voting square at the left of the question as printed on the ballot.

A cross  $\times$  mark shall consist of any straight line crossing any other straight line, at any angle, within a circle or voting square. Any mark other than a cross  $\times$  mark or any erasure of any kind shall make the whole ballot void; but no ballot shall be declared void because a cross  $\times$  mark thereon is irregular in form. Any ballot which is defaced or torn by the voter shall be void. If a voter shall do any act extrinsic to the ballot itself, such as inclosing any paper or other article in the folded ballot, such ballot shall be void. If the elector marks more names than there are persons to be elected to an office, or if for any other reason it is impossible to determine the elector's choice of a candidate for an office to be filled, his vote shall not be counted for such office but shall be returned as a blank vote for such office. Where, in the case of a candidate for governor or member of assembly, the candidate is nominated by two or more political organizations, and the voter makes a cross  $\times$  mark in two or more voting spaces or squares, his vote for such candidate shall be counted, but he shall not be recorded in the tally sheet or returns as voting with any particular party or independent body for such candidate. [*As amended by chap. 296, Laws of 1911, chap. 821, Laws of 1913, and chap. 537, Laws of 1916.*]

**§ 359. Manner of voting.** When the ballot or ballots which a voter has received shall be prepared as provided in the preceding section, he shall leave the voting booth with his ballot folded so as to conceal the face of the ballot, but show the indorsement and fac simile of the signature of the official on the back thereof, and, keeping the same so folded, shall proceed at once to the inspector in charge of the ballot box, and shall offer the same to such inspector. Such inspector shall announce the name of the voter and the printed number on the stub of the official ballot so delivered to him in a loud and distinct tone of voice. If such voter be entitled then and there to vote, and be not challenged, or if challenged and the challenge be decided in his favor, and if his ballot or ballots are properly folded, and have no mark

or tear visible on the outside thereof, except the printed number on the stub and the printed indorsement on the back, and if such printed number is the same as that entered on the poll books as the number on the stub or stubs of the official ballot or set of ballots last delivered to him by the ballot clerks, such inspector shall receive such ballot or ballots, and after removing the stub or stubs therefrom in plain view of the voter, and without removing any other part of the ballot, or in any way exposing any part of the face thereof below the stub, shall deposit each ballot in the proper ballot box for the reception of voted ballots, and the stubs in the box for detached ballot stubs. Upon voting, the voter shall forthwith pass outside the guard-rail unless he be one of the persons authorized to remain within the guard-rail for other purposes than voting.

No ballot without the official indorsement shall be allowed to be deposited in the ballot box except as provided by sections three hundred and forty-five and three hundred and sixty of this chapter, and none but ballots provided in accordance with the provisions of this chapter shall be counted. No official ballot folded shall be unfolded outside the voting booth. No person to whom any official ballot shall be delivered shall leave the space within the guard-rail until after he shall have delivered back all such ballots received by him either to the inspectors or to the ballot clerks, and a violation of this provision is a misdemeanor.

When a person shall have received an official ballot from the ballot clerks or inspectors, as hereinbefore provided, he shall be deemed to have commenced the act of voting, and if, after receiving such official ballot, he shall leave the space inclosed by the guard-rail before the deposit of his ballot in the ballot box, as hereinbefore provided, he shall not be entitled to pass again within the guard-rail for the purpose of voting, or to receive any further ballots.

**§ 360. When unofficial ballots may be voted.** If, for any cause, the official ballots shall not be provided as required by law at any polling place, upon the opening of the polls of an election thereat, or if the supply of official ballots shall be exhausted before the polls are closed, unofficial ballots, printed or written, made as nearly as practicable in the form of the official ballot, may be used.

**§ 361. Challenges.** A person may be challenged either when he applies to the ballot clerk for official ballots, or when he

offers to an inspector the ballot he intends to vote, or previously by notice to that effect to an inspector by any elector. It shall be the duty of each inspector to challenge every person offering to vote whom he shall know or suspect not to be duly qualified as an elector, and every person whose right to register as an elector was challenged at the time of registration, provided such challenge has not previously been withdrawn. In addition to the foregoing any person may be challenged by any duly appointed watcher or challenger either when he applies to the ballot clerk for official ballots or when he offers to an inspector the ballot he intends to vote or previously by notice to that effect to an inspector.

Whenever a person shall apply to the board of inspectors on election day to vote upon the name of a person whose right to register as an elector was challenged, it shall be the duty of the chairman of the board of inspectors or some member of such board to administer to such applicant the preliminary oath prescribed in the next section, and to read to such applicant each question upon the copy of the challenge affidavit signed at the time of registration by the person upon whose name the applicant desires to vote, and the inspectors and watchers shall compare the answers given to such questions with the answers recorded thereto upon the copy of said challenge affidavit, and shall carefully compare the description of the person challenged at the time of registration recorded upon the copy of the challenge affidavit with that of the applicant. If there shall be any material difference or conflict between the answers given by the applicant and the answers recorded upon the copy of the challenge affidavit to the questions printed thereon, or in the description of the person challenged and the applicant, or if the applicant shall refuse to answer any question put to him, or shall refuse to make such oath, his vote shall not be received and the facts thereof shall be recorded in each such case in the challenge record provided for in section three hundred and sixty-four. [*As amended by chap. 428, Laws of 1910, chap. 649, Laws of 1911, and chap. 537, Laws of 1916.*]

**§ 362. Preliminary oath.** If any person other than those persons heretofore provided for offering to vote at any election shall be challenged in relation to the right to vote thereat, one of the inspectors shall tender to him the following preliminary oath: "You do swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence and qualification as an elector."

The inspectors or one of them shall then question the person challenged in relation to his name; his place of residence before he came into that election district; his then place of residence; his citizenship; whether he be a native or naturalized citizen, and if the latter, when, where, and in what court, or before what officer he was naturalized; whether he came into the election district for the purpose of voting at that election; how long he contemplates residing in the election district; and all other matters which may tend to test his qualifications as a resident of the election district, his citizenship, or his right to vote at such election at such polling place and in addition to the foregoing provisions, the inspectors or one of them shall ask the person challenged the same questions that were asked of him when he registered. A challenge made by any elector or by any duly appointed watcher or challenger must be acted upon by the board of inspectors as provided in this section. If any person shall refuse to take such preliminary oath when so tendered, or to answer fully any such question which may be put to him, his vote shall be rejected. After receiving the answers of the person so challenged, the board of inspectors shall point out to him the qualifications, if any, in respect to which he shall appear to them deficient. [*As amended by chap. 428, Laws of 1910, and chap. 649, Laws of 1911.*]

**§ 363. General oath and additional oaths.** If the person so offering to vote shall persist in his claim to vote, and the challenge be not withdrawn, one of the inspectors shall then administer to him the following general oath:

“You do swear (or affirm) that you are twenty-one years of age, that you have been a citizen of the United States for ninety days, and an inhabitant of this state for one year next preceding this election, and for the last four months a resident of this county, and for the last thirty days a resident of this election district, and that you have not voted at this election.”

If the person so offering to vote shall be challenged for causes stated in section two of article two of the constitution of this state, the following additional oath shall be administered by one of the inspectors:

“You do swear (or affirm) that you have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid, or used, any money or other valuable thing, as a compensation or reward for the giving or withholding of

a vote at this election, and have not made any promise to influence the giving or withholding of any such vote, and that you have not made, or become directly or indirectly interested in any bet or wager depending upon the result of this election."

If the person so offering to vote shall be challenged on the ground of having been convicted of bribery or any infamous crime, the following additional oath shall be administered to him by one of the inspectors:

"You do swear (or affirm) that you have not been convicted of bribery or any infamous crime, or if so convicted, that you have been pardoned and restored to all the rights of a citizen."

If any person shall refuse to take either oath so tendered his vote shall be rejected, but if he shall take the oath or oaths tendered him, his vote shall be accepted.

**§ 364. Record of persons challenged.** 1. The inspectors of election shall keep a minute of their proceedings in respect to the challenging and administering oaths to persons offering to vote, in which shall be entered by one of them the name of every person who shall be challenged or take either of such oaths, specifying in each case whether the preliminary oath or the general oath, or both, were taken. At the close of the election, the inspectors shall add to such minutes a certificate to the effect that the same are all such minutes as to all persons challenged at such election in such district.

2. In cities and villages having a population of five thousand or more, in addition to the foregoing record, the chairman of each board of inspectors shall, immediately after any election or primary, return to every public officer who has filed with him or a member of his board a list of voters to be challenged, such challenge list with a written statement opposite each name, giving the reason, if the name was voted on, why the board permitted any person to vote thereon, or, if some person applied to vote thereon and was challenged and did not vote, the words "challenged and did not vote;" or if no person applied to vote on such name, the words "no application." Before making such return such chairman shall sign his name at the foot of each page of such challenge list. [*As amended by chap. 678, Laws of 1915, and chap. 537, Laws of 1916.*]

**§ 365. Time allowed employees to vote.** Any person entitled to vote at a general election held within this state, shall on the day of such election be entitled to absent himself

from any service or employment in which he is then engaged or employed, for a period of two hours, while the polls of such election are open. If such voter shall notify his employer before the day of such election of such intended absence, and if thereupon two successive hours for such absence shall be designated by the employer, and such absence shall be during such designated hours, or if the employer upon the day of such notice makes no designation, and such absence shall be during any two consecutive hours while such polls are open, no deduction shall be made from the usual salary or wages of such voter, and no other penalty shall be imposed upon him by his employer by reason of such absence. This section shall be deemed to include all employees of municipalities.

**§ 366. Canvass of votes; preparation for canvass.**

1. Place and time of canvass. As soon as the polls of an election are closed, the inspectors of election thereat shall publicly canvass and ascertain the votes, and not adjourn or postpone the canvass until it shall be fully completed.

The room in which such canvass is made shall be clearly lighted, and such canvass shall be made in plain view of the public. It shall not be lawful for any person or persons, during the canvass, to close or cause to be closed the main entrance to the room in which such canvass is conducted in such manner as to prevent ingress or egress thereby.

2. Ballot clerks. At the close of the polls the ballot clerks shall make up in triplicate in ink a return which shall account for all the official ballots furnished to the election district in which they are serving; they shall count and verify the number of each kind of unused ballots, and enter it upon their returns; they shall then open the box for ballots canceled before delivery and spoiled and returned by voters, separate them into their several kinds, count all ballots of each kind and enter the numbers upon their returns. They shall make the additions and subtractions called for by the returns and prove their figures. In making their returns as aforesaid, the ballot clerks shall use the printed forms supplied to them with the ballots, and they shall carefully insert in all the blank spaces thereon the appropriate names, words and figures according to the directions contained in article nine of this chapter and printed on the forms.

Each kind of ballot and each kind of stub shall immediately after they are counted as aforesaid be securely tied in a separate

package, and shall be plainly labeled, sealed, and returned to the box from which it was taken, and the box securely locked and sealed. The ballot clerks shall also securely tie all unused ballots in a sealed package. They shall then sign and swear to their returns before one of the inspectors and shall deliver their returns, the boxes, packages, ballots and stubs, together with the keys of the boxes, to the chairman of the board of inspectors. The ballots so sealed and delivered shall be deposited and preserved as ballot boxes are hereinafter required to be deposited and preserved.

3. Poll clerks. Immediately upon the close of the polls the poll clerks shall assist the inspectors of election in comparing the poll-books with the registers as hereinafter provided, and shall make out in triplicate in ink and sign and swear to their returns before one of the inspectors of elections according to the forms provided, and deliver them to the chairman.

4. Order of canvassing. The ballot boxes shall then, and not before, be opened and the ballots shall be canvassed, in the following order:

First. The box, if any, containing presidential ballots.

Second. The box, if any, containing general ballots; and

Third. The boxes, if any, containing ballots upon constitutional amendments or other questions submitted, including town questions. [*As amended by chap. 821, Laws of 1913.*]

**§ 367. Comparing poll-books and registers; verifying number of ballots.** The board of inspectors shall commence the canvass by comparing the two poll-books with the registers used on election day as to the number of voters voting at the election, correcting any mistakes therein, and, after the ballot clerks have delivered their returns to the chairman of the board, and not before, by counting the ballots found in the ballot boxes without unfolding them, except so far as to ascertain that each ballot is single, and by comparing the number of ballots found in each box with the number shown by the poll-books and the ballot clerks' returns to have been deposited therein.

If the ballots found in any box shall be more than the number of ballots so shown to have been deposited therein, such ballots shall all be replaced, without being unfolded, in the box from which they were taken, and shall be thoroughly mingled therein, and one of the inspectors designated by the board shall, without seeing the same and with his back to the box, publicly draw out as many ballots as shall be equal to such excess and, without unfolding them, forthwith inclose them in an envelope which he

shall then and there seal and indorse "excess ballots from the box for ballots for (presidential electors, or general officers, et cetera, as the case may be)," signing his name thereto, and such envelope with the excess ballots therein shall be placed in the box for defective or spoiled ballots.

If two or more ballots shall be found in the ballot box so folded together as to present the appearance of a single ballot, and if the whole number of ballots in such ballot box exceeds the whole number of ballots shown by the poll books and ballot clerks' returns to have been deposited therein, and not otherwise, they, or enough of them to reduce the ballots to the proper number, selection to be made without examination of any voting mark thereon, shall similarly be inclosed, sealed, indorsed and placed with the spoiled ballots.

If, however, there lawfully be more than one ballot box for the reception of ballots voted at the polling place, no ballot found in the wrong ballot box shall for that reason be rejected, but shall be placed in its proper box by the inspectors upon the count of the ballots before the canvass, and counted in the same manner as if found in the proper ballot box, if such ballot shall not, together with the ballots found in the proper ballot box, make a total of more ballots than are shown by the poll-books and ballot clerks' returns to have been deposited in the proper box.

No ballot that has not the official indorsement shall be counted except such as are voted in accordance with the provisions of this chapter relating to unofficial ballots. [*As amended by chap. 821, Laws of 1913.*]

### § 368. Method of canvassing.

1. Method of canvassing ballots generally. Except as herein-after specially provided, the method of canvassing ballots shall be as follows:

The chairman of the board of inspectors shall personally unfold each ballot of the kind then to be canvassed in such a manner that its face shall be down and all marks thereon shall be wholly concealed, and he shall place all the ballots, so unfolded and with their faces down, in one pile. He shall then take up each ballot in order, turn it face up, and announce in a loud and distinct voice, the vote registered on the first section or that the ballot is void or that the section is blank, as the case may be. He shall then turn the ballot face down and place it in a new pile. When he has announced the votes on the first sections of all the ballots of

the kind then to be canvassed, and the poll clerk's tallies made as hereinafter provided are proved to be correct, the official return provided for in article thirteen shall be filled out and signed. Then, and not before, the chairman shall proceed to canvass in like manner the votes upon the sections remaining to be canvassed, completing the canvass of each ballot as he proceeds, and thus he shall proceed until all the ballots have been canvassed.

As each vote is announced each poll clerk shall immediately tally it in black ink, with a downward stroke from right to left upon the official tally sheet provided for the purpose, also carefully tallying one for each blank or void vote. Each poll clerk as he tallies a vote shall clearly announce the name of the candidate for whom he tallies it, or that he tallies the vote blank or void as the case may be, or in case of a question submitted that he tallies the vote "Yes" or "No" as the case may be, and until such announcement by each poll clerk the chairman shall not announce another vote. When a candidate's name is not printed on the official tally sheet or return provided, it shall be written in full thereon in ink in its due order, that is, in the order in which it appears on the ballot. The tally marks shall be made in due numerical order in the tally spaces provided.

When all the sections relating to the same office or question shall have been canvassed, the number of ballots shall be compared with the tally thereof. If the result as shown on the tally sheets does not agree with the results as shown by the number of ballots, an error has been committed and a recanvass must be made. Upon the recanvass, the tally must be kept in red ink from left to right across the previous tally marks. When all the errors have been corrected and the tally sheets have been found to be correct, the poll clerks shall indicate the last tally opposite each name by forthwith canceling at least the next ten unused tally spaces, if there are so many, and if there are not so many, then as many as possible, by drawing through them in red ink one or more horizontal straight lines. The tally sheets having been thus prepared, verified, and closed, the inspectors and poll clerks shall sign the certificate at the foot of each sheet in the places indicated thereon. [*As amended by chaps. 296 and 649, Laws of 1911, chap. 821, Laws of 1913, and chap. 244, Laws of 1914.*]

2. Canvassing ballots when more than one candidate is to be elected to the same office. When more than one candidate is to be elected to the same office, the foregoing method of canvass shall be modified to meet the necessities of the case, as follows:

The chairman shall read the names of the candidates voted for in the order in which they appear in the section, and each poll clerk shall make an accurate tally of each vote as announced upon the official tally sheet provided for the purpose. The chairman shall also announce the void ballots, if any, and the number of blanks, if any, upon the section, and each poll clerk shall make as many tallies for each void ballot as there are candidates thereon to be elected to the office in question, and one tally for each blank.

3. Canvassing presidential ballots. The straight ballots, that is, all valid ballots on which all the candidates in any party group are voted for, shall be placed in piles, like with like, and the split ballots, that is, all valid ballots marked in one or more of the individual voting squares or with names written thereon, shall be placed in one pile, and all void ballots and wholly blank ballots shall be likewise placed in separate piles. Each of the piles shall then be counted and the result clearly announced, and the number of straight votes for each candidate shall be entered in gross opposite his name on a tally sheet by each poll clerk, and the number of split, void and wholly blank ballots shall be similarly entered in their appropriate places. The chairman shall then take the split ballots and they shall be canvassed, announced and tallied in the manner above provided for canvassing ballots when more than one candidate is to be elected to the same office. [*As amended by chaps. 296 and 649, Laws of 1911, and chap. 821, Laws of 1913.*]

**§ 369. Objections to the counting; disposal of ballots.** If objection is taken to the counting of any ballot or section, the board of inspectors shall forthwith and before canvassing any other ballot or section rule upon the objection. If the objection is continued after this ruling, the chairman, or if he refuse, one of the other inspectors, shall write in ink upon the back of the ballot a memorandum of the ruling and objection. The memorandum of the ruling shall be in the words "Counted void," or "Counted blank," or "Counted for (naming the candidate or candidates or the presidential ticket)," or, in the case of a question submitted "Counted for Question No. —," or "Counted against Question No. —," as the case may be. The memorandum of the objection shall be in the words "Objected to," followed by a brief statement of the nature of the objection and the signature of the chairman or other inspector.

Any ballot as to the counting of which objection is not taken but which is wholly blank or wholly void shall be indorsed in ink

by the chairman of the board of inspectors, or if he refuse, by one of the other inspectors, with the words, "Wholly blank" or "Wholly void," as the case may be, and this memorandum of indorsement shall be followed by the signature of the chairman or other inspector.

In each case in which objection is taken or in which any ballot is canvassed as wholly blank or wholly void, each poll clerk shall tally once in the place provided at the foot of the tally sheet.

When all the ballots of any one kind shall have been canvassed, the chairman of the board of inspectors or, if he refuse, one of the other inspectors, shall carefully and securely place all the ballots of that kind as to the counting of which any objection was taken, all ballots which are wholly void, and ballots which are wholly blank, in a separate sealed package, which shall be indorsed on the outside thereof with the names of the inspectors, the designation of the election district, and the number and kind of ballots contained therein. The package so sealed shall be known as the package of protested, void and wholly blank ballots and shall be disposed of as hereinafter provided in sections three hundred and seventy-six, three hundred and seventy-seven, three hundred and seventy-eight and three hundred and eighty of this chapter. The other ballots shall be tied together, labeled, and returned to the ballot box from which they were taken before proceeding to canvass the next kind of ballots to be canvassed.

Any inspector who shall refuse to write in ink upon the back of any ballot a memorandum of a ruling or objection to the counting thereof, or shall refuse to place in the package of protested ballots any ballot as to the counting of which any objection has been taken, shall be guilty of a felony. [*As amended by chap. 821, Laws of 1913.*]

**§ 370. Proving the tallies.** 1. Proving the tally of ballots other than those for presidential electors. Immediately upon counting the vote for any question, or for any office other than that of presidential elector, the poll clerks shall verify their figures by adding together all the votes tallied therefor, whether for a candidate, or for or against a question, or as void or blank. If, in a case where more than one candidate is to be elected to one office, the number of votes tallied (including void and blank votes) does not exactly equal the number of ballots cast (including void and blank ballots) multiplied by the number of candidates to be elected, or if, in the case of a question submitted or in a case where only one candidate is to be elected to an office, the

total number of votes tallied (including void and blank votes) shall not exactly equal the number of ballots cast (including void and blank ballots), an error has been committed and a recanvass must be immediately made, as hereinbefore provided in section three hundred and sixty-eight of this chapter.

2. Proving the tally of ballots for presidential electors. In the case of ballots for presidential electors, the poll clerks shall verify their figures as follows:

First, they shall add together the votes counted for electors of each party;

Second, they shall add together the votes counted for candidates not on the ballot;

Third, they shall add together the void and wholly blank ballots and shall multiply the sum so obtained by the number of electors to be elected;

Fourth, they shall add together the votes on the split ballots tallied as blank;

Fifth, they shall then add together the four sums so obtained.

If the total of these four sums shall not exactly equal the number of ballots cast (including void and blank ballots) multiplied by the number of electors to be elected, an error has been committed, and a recanvass must be immediately made as hereinbefore provided in section three hundred and sixty-eight of this chapter. [*As amended by chap. 821, Laws of 1913.*]

**§ 371. General provisions as to canvass.** The ballots shall at all times be kept on top of the table and in plain view of all parties entitled to examine them, until they have been tied into bundles as elsewhere provided. If requested by any person entitled to be present the inspectors shall, during the canvass of any ballot, exhibit to him the ballot then being canvassed, fully opened and in such a condition that he may fully and carefully read and examine it, but no inspector shall allow any ballot to be taken from his hand or to be removed from any pile by any person but the chairman. Any person who shall mark, tear or deface any ballot of another with the intent of defeating or altering a vote or ballot, shall be guilty of a felony, and shall be punished upon conviction thereof by imprisonment in a state prison for a period of not less than five nor more than ten years. [*As amended by chap. 821, Laws of 1913.*]

**§ 372. Statement of canvass to be delivered to police.** In all cities and villages of five thousand inhabitants

or more the chairman of the board of inspectors shall, forthwith upon the completion of the count of votes and the announcement thereof, deliver to the police officer on duty at such place of canvass a statement subscribed by the board of inspectors, stating the number of votes received by each candidate for office. Such statement shall forthwith be conveyed by the said officer to the station-house of the police precinct in which such place of canvass is located, and he shall deliver the same inviolate to the officer in command thereof, who shall immediately transmit by telegraph, telephone or messenger, the contents of such statement to the officer commanding the police department of such city or village. In a city of over one million inhabitants, such commanding officer shall cause all such returns to be immediately tabulated so that the final result may be known as early as possible, and within twenty-four hours of its receipt at the station-house such statement itself shall be filed with such commanding officer. Such statement shall be preserved for six months by the police, and shall be presumptive evidence of the result of such canvass for each such office. [*As amended by chap. 649, Laws of 1911, and chap. 678, Laws of 1915.*]

**§ 373. Returns of canvass.** Upon completing the canvass, the inspectors and poll clerks shall make and sign in ink their several returns in triplicate, and shall verify them before the respective officers authorized for that purpose, and shall sign and certify in ink each tally sheet to be certified by them. In making their returns as aforesaid, the inspectors and poll clerks shall use the printed forms supplied to them with the ballots, and they shall carefully insert in all the blank spaces thereon the appropriate names, words and figures according to the directions contained in article nine of this chapter and printed on the forms. In the absence of an officer authorized to take acknowledgments and proof of deeds, and for the purposes of this chapter, any election officer shall be authorized to administer the oath to any other election officer. Each of the two tally sheets shall be securely attached by the chairman to one of the returns relating to the same office or question and shall be treated as a part thereof.

Any election officer who shall sign any statement of the canvass at any place other than the polling place, or at any time other than immediately after the canvass is completed, except under direction of a court, and any election officer or person who shall take from the polling place any such statement before it shall have been signed as herein provided, is guilty of a felony, and shall be

punished, upon conviction thereof, by imprisonment in a state prison for not less than two nor more than five years.

If changes be necessary in any of the forms for tallies and returns, as prescribed in this article, the secretary of state shall prescribe the same. [*As amended by chap. 821, Laws of 1913.*]

**§ 374. Preservation of ballots.** After the last tally sheets and returns are completed, and all the stubs and ballots, except the protested, void and wholly blank ballots, are replaced in the boxes from which they were taken, each box shall be securely locked and sealed, and deposited, by an inspector designated for that purpose, with the officer or board furnishing it, together with the separate sealed package of unused official ballots. The boxes and packages so deposited shall be preserved inviolate for six months after the election, except that they may be opened and their contents examined upon the order of any court of competent jurisdiction or may be opened by direction of a committee of the senate or assembly to investigate and report upon contested elections of members of the legislature voted for at such election and their contents examined by such committee in the presence of the officer having the custody of such boxes. Unless ordered to be preserved by such a court, or unless an examination by such a committee be pending, they shall be opened and their contents destroyed after six months, except, that in a year in which a president of the United States is to be elected, in counties in which no contest has been noted, such boxes may be opened and their contents destroyed after four months and the boxes prepared for use at the primary election as provided in section seventy-nine of this chapter. The protested, void and wholly blank ballots shall be preserved as provided in section four hundred and thirty-seven of this chapter. Any candidate shall be entitled as of right to an examination in person or by authorized agents of any ballots upon which his name lawfully appeared as that of a candidate; but the court shall prescribe such conditions as of notice to other candidates or otherwise as it shall deem necessary and proper. [*Amended by chap. 821, Laws of 1913, and chaps. 31 and 537, Laws of 1916.*]

**§ 375. Proclamation of result.** Upon the completion of such canvass and of the statements of the result thereof, the chairman of the board of inspectors shall make public oral proclamation of the whole number of votes cast at such election at such polling place for all candidates for each office; upon each

proposed constitutional amendment or other question or proposition, if any, voted upon at such election; the whole number of votes given for each person, with the title of the office for which he was named on the ballot; and the whole number of votes given respectively for and against each proposed constitutional amendment or other question or proposition, if any, so submitted. [*As amended by chap. 821, Laws of 1913.*]

**§ 376. Sealing statements.** Each statement of canvass shall then be securely sealed with sealing wax in separate envelopes properly indorsed on the outside thereof by the inspectors, and shall be kept inviolate by the officers or board with whom they are filed until delivered, together with the packages of protested, void and wholly blank ballots, to the county or city board of canvassers. [*As amended by chap. 821, Laws of 1913.*]

**§ 377. Delivery and filing of papers relating to the election; general provisions.** If the election be other than an election of town, city, village or school officers, held at a different time from a general election, the chairman of the board of inspectors of each election district, except in the city of New York, shall forthwith upon the completion of the triplicate statement of the result, deliver one set of returns to the supervisor of the town in which the election district, if outside of a city, is situated, and if in a city, to one of the supervisors of said city. If there be no supervisor, or he be absent or unable to attend the meeting of the county board of canvassers, it shall be forthwith delivered to an assessor of such town or city. One set of returns with tally sheets annexed, together with the poll books of the election, shall be forthwith filed by such inspectors, or by one of them deputed for that purpose, with the town clerk of such town, or the city clerk of such city, as the case may be. The package of protested, void and wholly blank ballots and the third set of returns with tally sheets annexed shall, within twenty-four hours after the completion of such canvass, be filed by the chairman of the board of inspectors, with the board of elections of the county in which the election district is situated. The register of electors and public copy thereof shall be filed as prescribed in section one hundred and eighty of this chapter. Each poll book containing signatures of electors required by this chapter to sign the poll book and all "identification statements for election day" received thereat shall within forty-eight hours after the close of the canvass be filed in person or by mail by the poll clerk of each election

district having charge of such book, with the state superintendent of elections in such one of his offices as he may in writing designate. [*As amended by chap. 649, Laws of 1911, chap. 821, Laws of 1913, and chap. 537, Laws of 1916.*]

**§ 378. Delivery and filing of papers in the city of New York.** In the city of New York the package of protested, void and wholly blank ballots and one set of returns with tally sheets annexed, together with one of the poll books, shall be filed by the chairman of the board of inspectors within twenty-four hours after the completion of the canvass with the county clerk of the county within which the election district is located. One set of returns with tally sheets annexed and the other poll book shall be filed within such time with the board of elections or with the chief clerk of the branch office of the board of elections, as the case may be, in the borough within which the election district is located, by an inspector designated by the board of inspectors for that duty, and the third set of returns with the city clerk, by an inspector designated by the board of inspectors for that duty.

In election districts in the city of New York, the boards of inspectors of election must, at the same time that they make and sign the aforesaid returns, make a certified copy of so much thereof as relates to any candidate for member of assembly, senator, or representative in congress, voted for both in said election district and in any part of any county not within the city of New York, and such certified copy must, within twenty-four hours after the completion of the canvass by the inspectors, be filed by the chairman of the board of inspectors with the clerk of the county outside of the city of New York in which such officers or any of them are voted for at such election. [*As amended by chaps. 274 and 649, Laws of 1911, and chap. 821, Laws of 1913.*]

**§ 380. Delivery and filing of papers in the county of Erie.** In the county of Erie one return with tally sheets annexed shall be filed forthwith by one inspector deputed for that purpose, with the clerk of the town, or the clerk of the city of Buffalo, or the clerk of the city of Tonawanda, as the case may be, and one return with the clerk of the county of Erie. The package of protested, void and wholly blank ballots and the third return with tally sheet annexed shall, within twenty-four hours after the completion of such canvass, be filed by the chairman of each board of inspectors with the commissioner of elections. All poll lists for the various election districts in the city of Buffalo

shall be filed with the commissioner of elections, and those for the city of Tonawanda with the clerk of such city, and those for the towns in Erie county with the town clerks thereof. [*As amended by chap. 821, Laws of 1913.*]

**§ 381. Judicial investigation of ballots.** If any statement of the result of the canvass in an election district shall show that any of the ballots counted at an election therein were protested or were canvassed as wholly blank or void, a writ of mandamus may, upon the application of any candidate voted for at such election in such district, within twenty days thereafter, issue out of the supreme court to the board or body of canvassers, if any, of the return of the inspectors of such election district, and otherwise to the inspectors of election making such statement, requiring a recanvass of such ballots. If the court shall, in the proceedings upon such writ, determine that any such ballot was improperly canvassed, it shall order the error to be corrected. Boards of inspectors of election districts, and boards of canvassers, shall continue in office for the purpose of such proceedings. [*As amended by chap. 821, Laws of 1913.*]

**§ 382. Destruction of books, records and papers relating to the elections.** The officer or board with whom the statement of the result, the returns with tally sheets annexed together with the poll books of the election, the "identification statements for election day," the register of electors and the public copy thereof are filed after an election shall preserve the same for at least two years after the receipt thereof and until all suits or proceedings before any court or judge touching the same shall have been determined. At the expiration of such time such books, records and papers, except a poll book containing signatures of electors, may be destroyed by such officer. This section shall not apply to a city of over one million inhabitants. [*Added by chap. 537, Laws of 1916.*]

## **<sup>1</sup> ARTICLE 11**

### **Voting Machines**

**Section 390. State voting machine commissioners.**

**391. Examination of voting machine.**

**392. Requirements of voting machine.**

**393. Adoption of voting machine.**

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<sup>1</sup> As renumbered by chap. 800, Laws of 1913.

**Section 394. Experimental use of voting machine.**

- 395. Providing machines.
- 396. Payment for machines.
- 397. Form of ballots.
- 398. Sample ballots.
- 399. Number of official ballots.
- 400. Preparation of voting machine for election.
- 401. Instruction of election officers.
- 402. Instruction of voters before election.
- 403. Independent nominations.\*
- 404. Distribution of ballots and stationery.
- 405. Tally sheets.
- 406. Unofficial ballots.
- 407. Opening the polls.
- 408. Independent ballots.
- 409. Location of machines; guard-rail.
- 410. Manner of voting.
- 411. Instructing voters.
- 412. Illiterate or disabled voters.
- 413. Canvass of vote and proclamation of result.
- 414. Disposition of irregular ballots; and preserving the record of the machine.
- 415. Disposition of keys; opening counter compartment.
- 416. Provision for re-canvass of vote.
- 417. Application of other articles and penal law.
- 418. When ballot clerks not to be elected.
- 419. Number of voters in election districts.
- 420. Definitions.
- 421. Saving clause.

**§ 390. State voting machine commissioners.** There shall be a state board of voting machine commissioners which shall consist of three commissioners to be appointed by the governor every five years, one of whom shall be an expert in patent law and two of whom shall be mechanical experts. Their successive terms of office shall begin on the first day of January of every fifth year dating from nineteen hundred and three and end on the thirty-first day of December. Any commissioner now in office or hereafter appointed may be removed at the pleasure of the governor, and vacancies shall be filled by the governor for any unexpired term.

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\* Repealed by chap. 821, Laws of 1913.

No voting machine commissioner shall have any pecuniary interest in any voting machine.

**§ 391. Examination of voting machine.** Any person or corporation owning or being interested in any voting machine may apply to the state board of voting machine commissioners to examine such machine and report on its accuracy, efficiency and capacity to register the will of voters. The commissioners shall examine the machine and report accordingly. Their report shall be filed in the office of the secretary of state and shall state whether in their opinion the kind of machine so examined can be safely used by such voters at elections, under the conditions prescribed in this article. If the report states that the machine can be so used, it shall be deemed approved by the commissioners and machines of its kind may be adopted for use at elections as herein provided. When the machine has been so approved, any improvement or change that does not impair its accuracy, efficiency or capacity shall not render necessary a re-examination or re-approval thereof. Any form of voting machine not so approved, or which has not been heretofore examined by said commissioners and reported on pursuant to law and its use specifically authorized by law, can not be used at any election. Each commissioner is entitled to one hundred and fifty dollars for his compensation and expenses in making such examination and report, to be paid by the person or corporation applying for such examination.

**§ 392. Requirements of voting machine.** A voting machine approved by the state board of voting machine commissioners must be so constructed as to provide facilities for voting for such candidates as may be nominated. It must also permit an elector to vote for any person for any office, whether or not nominated as a candidate by any party or organization, and must permit voting in absolute secrecy. Such machine shall also be so constructed that an elector cannot vote for a candidate or on a proposition for whom or on which he is not lawfully entitled to vote. It must also be so constructed as to prevent voting for more than one person for the same office, except where an elector is lawfully entitled to vote for more than one person for that office, and it must afford him an opportunity to vote for as many persons for that office as he is by law entitled to vote for and no more, at the same time preventing his voting for the same person twice. It must be provided with a lock or locks, by the use of which immediately after the polls are closed or the operation of such

machine for such election is completed, any movement of the voting or registering mechanism is absolutely prevented. It may also be provided with a separate ballot in each party column or row containing only the words "presidential electors" preceded by the party name, and a vote for such ballot shall operate as a vote for all the candidates of such party for presidential electors, and shall be counted as such. [*As amended by chap. 649, Laws of 1911, and chap. 821, Laws of 1913.*]

**§ 393. Adoption of voting machine.** The board of elections of the city of New York, the common council of any other city, the town board of any town, or the board of trustees of any village may adopt for use at elections any kind of voting machine approved by the state board of voting machine commissioners, or the use of which has been specifically authorized by law; and thereupon such voting machine may be used at any or all elections held in such city, town or village, or in any part thereof, for voting, registering and counting votes cast at such elections. Voting machines of different kinds may be adopted for different districts in the same city, town or village.

**§ 394. Experimental use of voting machine.** The authorities of a city, town or village authorized by the last section to adopt a voting machine may provide for the experimental use, at an election in one or more districts, of a machine which it might lawfully adopt, without a formal adoption thereof; and its use at such election shall be as valid for all purposes as if it had been lawfully adopted.

**§ 395. Providing machines.** The local authorities adopting a voting machine shall, as soon as practicable thereafter, provide for each polling place one or more voting machines in complete working order, and shall thereafter preserve and keep them in repair, and shall have the custody thereof and of the furniture and equipment of the polling place when not in use at an election. If it shall be impracticable to supply each and every election district with a voting machine or voting machines at any election following such adoption, as many may be supplied as it is practicable to procure, and the same may be used in such election district or districts within the city, town or village as the officers adopting the same may direct.

**§ 396. Payment for machines.** The local authorities, on the adoption and purchase of a voting machine, may pro-

vide for the payment therefor in such manner as they may deem for the best interest of the locality and may for that purpose issue bonds, certificates of indebtedness or other obligations which shall be a charge on the city, town or village. Such bonds, certificates or other obligations may be issued with or without interest, payable at such time or times as the authorities may determine, but shall not be issued or sold at less than par.

**§ 397. Form of ballots.** All ballots shall be printed in black ink on clear, white material, of such size as will fit the ballot frame, and in as plain, clear type as the space will reasonably permit. The party emblem for each political party represented on the machine, which has been duly adopted by such party in accordance with this chapter, and the party name or other designation shall be affixed to the names, or, in case of presidential electors, to the list of candidates of such party. Each party may be further distinguished by a stripe of color below the party emblem, which shall be adopted in the same manner as the party emblem. The order of the lists or names of candidates of the several parties or organizations shall be arranged as provided by this chapter for blanket ballots, except that they may be arranged either vertically or horizontally. When the same person has been nominated for the same office to be filled at the election by more than one party or independent body, all the provisions relating to the official ballot in this chapter shall apply and the voting machine shall be so adjusted that his name shall appear but once on the ballot. But in the case of a person so nominated, the name and emblem of the party casting the highest number of votes for governor at the last preceding election of a governor shall be at the left of or above the names and emblems of other parties and independent bodies uniting in the same nomination, and the names and emblems of the latter parties shall follow in the order of priority based on the relative party vote for governor at such election, counting from left to right if the column be horizontal and downward if the column be vertical. [*As amended by chap. 649, Laws of 1911, chap. 821, Laws of 1913, and chap. 537, Laws of 1916.*]

**§ 398. Sample ballots.** The officers or board charged with the duty of providing ballots for any polling place shall provide therefor two sample ballots which shall be arranged in the form of a diagram showing the entire front of the voting machine as it will appear after the official ballots are arranged for

voting on election day. Such sample ballots shall be open to public inspection at such polling place during the election day. In all general elections where voting machines are used there may be furnished a sufficient number of sample ballots of a reduced size, showing the key board of the voting machine as it will appear after the official ballots are arranged for voting on election day, with illustrations and brief instructions how to vote; one of which sample ballots may be mailed by the county clerk to each registered voter at least three days before the election or in lieu thereof, a copy of such sample ballot may be published for one week preceding the election in newspapers representing at least two political parties.

**§ 399. Number of official ballots.** Four sets of ballots shall be provided for each polling place for each election for use in the voting machine.

**§ 400. Preparation of voting machine for election.** The board of elections for each county and the city of New York in which voting machines are to be used, shall cause the proper ballot labels to be placed on the machines corresponding with the sample ballots herein provided for, and the machine in every way put in order, set, and arranged, ready for use in voting at such election; and, for the purpose of so labeling, putting in order, setting and arranging the machine, shall employ one or more competent persons who shall be known as the voting machine custodian, or custodians, who shall be sworn to perform their duties honestly and faithfully, and for such purpose shall be considered as officers of election, and shall be paid for the time spent in the discharge of their duties, in the same manner as election officers are paid. In cities where there are more than twenty voting machines, more than one custodian shall be appointed. They shall be selected from the two political parties entitled to representation on a board of election officers. Said custodian, or custodians, shall, under the direction of said board or officer having charge and control of the election, cause the machine to be so labeled, put in order, set, arranged, and delivered to the polling place of the election district in which the election is to be held, together with all furniture and appliances necessary for the proper conducting of the election, at least one hour before the time set for opening the polls on election day. In preparing a voting machine for an election, the custodian shall, according to the printed directions furnished, arrange the machine and the ballots therefor

so that it will in every particular meet the requirements for voting and counting at such election, and thoroughly test the same. Before preparing the voting machine for any election written notice shall be mailed to the chairman of the city, or town committee of at least three of the principal political parties, stating the time and place where machines will be prepared, at which time one representative of each of such political parties shall be afforded an opportunity to see that the machines are in proper condition for use in the election; such representatives shall be sworn to faithfully perform their duties and shall be regarded as election officials but shall not interfere with the custodians or assume any of their duties. When a machine has been so examined by such representatives it shall be sealed with a numbered metal seal. Such representatives shall certify: to the number of the machines; if all of the counters are set at 000; and the number registered on the protective counter, if one is provided, and on the seal. After the preparation of the machines, an officer or officers or someone duly authorized, other than the person who has prepared them for the election, shall inspect each machine, and report in writing if all of the registering counters are set at zero (000), and the machine is arranged in all respects in good order for the election and locked, with the number registered on the protective counter, if one is provided; and with the number on the seal. When a voting machine has been properly prepared for election, it shall be locked against voting, and sealed; and the keys thereof shall be delivered to the board or official having charge and control of elections, together with a written report made by the custodian of the machine on blanks furnished to him, stating that it is in every way properly prepared for the election. All voting machines shall be transferred to the polling places in charge of an authorized official, who shall certify to their delivery in good order. After the machine has been delivered and set up ready for use in the election at the polling place, it shall be the duty of the local authorities to provide ample protection against molestation or injury to the machine. Every voting machine shall be furnished with a lantern, or a proper substitute for one, which shall give sufficient light to enable electors while in the booth to read the ballot labels, and suitable for use by the election officers in examining the counters. The lantern shall be prepared in good order for use before the opening of the polls. All voting machines used in any election shall be provided with a screen, hood, or curtain which shall be so made and adjusted as to completely

conceal the elector and his action while voting. [*As amended by chap. 649, Laws of 1911.*]

**§ 401. Instruction of election officers.** Not later than the first day of October in each year, the custodian, or custodians, of the machine shall instruct each board of inspectors that is to serve in an election district in the use of the machine, and in the duties of inspectors of election in connection therewith; and he shall give to each inspector of election that has received such instruction and is fully qualified to properly conduct the election with the machine, a certificate to that effect. For the purpose of giving such instruction, the custodian shall call such meeting, or meetings, of the inspectors of election as shall be necessary; but such meetings shall not be called earlier than seven o'clock in the afternoon. Such custodian shall without delay file a report with the board or official in charge of elections, stating that he has instructed the election officers, giving the names of such officers, and the time and place where such instruction was given. The inspectors of election of each election district in which a voting machine is to be used, shall attend such meeting, or meetings, as shall be called, for the purpose of receiving such instructions, concerning their duties as shall be necessary for the proper conduct of the election with the machine. Each inspector of election that shall qualify for and serve in the election, shall be paid one dollar for the time spent in receiving such instruction, in the same manner and at the same time as he is paid for his services on election day. No inspector of election shall serve in any election at which a voting machine is used, unless he shall have received such instruction and is fully qualified to perform his duties in connection with the machine, and has received a certificate to that effect from the custodian of the machines; provided, however, that this shall not prevent the appointment of an inspector of election to fill a vacancy in an emergency. [*As amended by chap. 649, Laws of 1911.*]

**§ 402. Instruction of voters before election.** In all places where voting machines are to be used one or more of such machines which shall contain the ballot labels, showing the party emblems and title of offices to be voted for, and which shall so far as practicable contain the names of the candidates to be voted for, shall be placed on public exhibition in some suitable place, in charge of a competent instructor, for three days during the thirty days next preceding the election;

but no voting machine which is to be assigned for use in an election shall be used for such public instruction within five days before the election. During public exhibition of any voting machine for the instruction of voters previous to an election, the counting mechanism thereof shall be concealed from view and the doors may be temporarily opened only when authorized by the board or official having charge and control of the elections. Printed instructions how to vote circulated to voters must conform to the instructions approved by the officials providing ballots, and adapted to the machine used.

**§ 404. Distribution of ballots and stationery.** The ballots and stationery shall be delivered to the board of inspectors of each election district before ten o'clock in the forenoon of the day next preceding the election.

**§ 405. Tally sheets.** In each election district where voting machines are used, tally sheets shall be printed to conform with the type of voting machine used, of a form approved by the secretary of state. The designating number and letter on the counter for each candidate shall be printed next to the candidate's name on the tally sheets.

**§ 406. Unofficial ballots.** If the official ballots for an election district at which a voting machine is to be used, required to be furnished by or to any town, or city clerk, or board, shall not be delivered at the time required, or if after delivery shall be lost, destroyed or stolen, the clerk of such town or city, or such board, or the election inspectors of such district, shall cause other ballots to be prepared, printed or written, as nearly in the form of the official ballots as practicable, and the inspectors shall cause the ballots so substituted to be used at the election in the same manner, as near as may be, as the official ballots. Such ballots so substituted shall be known as unofficial ballots.

**§ 407. Opening the polls.** The inspectors of election and poll clerks of each district shall meet at the polling place therein, at least three-quarters of an hour before the time set for the opening of the polls at each election, and shall proceed to arrange within the guard-rail the furniture, stationery and voting machine for the conduct of the election. The inspectors of election shall then and there have the voting machine, ballots and stationery required to be delivered to them for such election; and if it be

an election at which registered voters only can vote, the registry of such voters required to be made and kept therefor. The inspectors shall thereupon cause at least two instruction cards, and if printed in different languages, at least two of each language, to be posted conspicuously within the polling place. If not previously done, they shall insert in their proper place on the voting machine, the ballots containing the names of offices to be filled at such election, and the names of candidates nominated therefor. The keys to the voting machine shall be delivered to the election officers three-quarters of an hour before the time set for opening the polls, in a sealed envelope, on which shall be written or printed the number and location of the voting machine; the number on the seal; and, if provided with a protective counter, the number registered on such counter, as reported by the custodian. The envelope containing the keys shall not be opened until at least one inspector from each of two political parties shall be present at the polling place and shall have examined the envelope to see that it has not been opened. Before opening the envelope all election officers present shall examine the number on the seal on the machine, also the number registered on the protective counter, if one is provided, and shall see if they are the same as the numbers written on the envelope containing the keys. If found not to agree, the envelope must not be opened until the custodian, or other authorized person, shall have been notified and shall have presented himself at the polling place for the purpose of re-examining such machine and shall certify that it is properly arranged. If the numbers on the seal and protective counter, if one is provided, are found to agree with the numbers on the envelope the inspectors shall proceed to open the doors concealing the counters. Before the polls are open for election, each inspector shall carefully examine every counter and see that it registers zero, and the same shall be subject to the inspection of the official watchers. The machine shall remain locked against voting until the polls are formally opened and shall not be operated except by voters in voting. If any counter for a candidate is found not to register zero (000), the inspectors of election shall immediately notify the custodian, who shall adjust the counter at zero.

**§ 408. Independent ballots.** Ballots voted for any person whose name does not appear on the machine as a nominated candidate for office, are herein referred to as irregular ballots. Where

two or more persons are to be elected to the same office, and each candidate's name is placed upon or adjacent to a separate key or device, and the machine requires that all irregular ballots voted for that office be deposited, written or affixed in or upon a single receptacle or device, a voter may vote in or by such receptacle or device for one or more persons whose names do not appear upon the machine with or without the names of one or more persons whose names do so appear.

In voting for presidential electors, a voter may vote an irregular ticket made up of the names of persons in nomination by different parties, or partially of names of persons so in nomination and partially of names of persons not in nomination, or wholly of names of persons not in nomination by any party. Such irregular ballot shall be deposited, written or affixed in or upon the receptacle or device provided on the machine for that purpose.

With these exceptions, no irregular ballot shall be voted for any person for any office whose name appears on the machine as a nominated candidate for that office; any irregular ballot so voted shall not be counted. An irregular ballot must be cast in its appropriate place on the machine, or it shall be void and not counted.

**§ 409. Location of machines; guard-rail.** The exterior of the voting machine and every part of the polling place shall be in plain view of the election officers and watchers. The voting machine shall be placed at least four feet from the poll clerk's table. A guard-rail shall be constructed at least three feet from the machine, with openings to admit voters to and from the machine. The voting machine shall be so located in the polling place that, unless its construction requires otherwise, the ballot labels on the face of the machine can be plainly seen by the election officers and the party watchers when not in use by voters. The election officers shall not themselves be, or permit any other person to be, in any position or near any position, that will permit one to see or ascertain how a voter votes, or how he has voted. The election officer attending the machine shall inspect the face of the machine after each voter has cast his vote, to see that the ballot labels are in their proper places and that the machine has not been injured. During elections the door or other covering of the counter compartment of the machine shall not be unlocked or opened or the counters exposed except for good and sufficient reasons, a statement of which shall

be made and signed by the election officers and shall be sent with the returns.

**§ 410. Manner of voting.** After the opening of the polls, the inspectors shall not allow any voter to pass within the guard-rail until they have ascertained that he is duly entitled to vote. Only one voter at a time shall be permitted to pass within the guard-rail to vote. The operating of the voting machine by the voter while voting shall be secret and obscured from all other persons except as provided by this chapter in cases of voting by assisted voters. No voter shall remain within the voting machine booth longer than three minutes, and if he shall refuse to leave it after the lapse of three minutes, he shall be removed by the inspectors. [*As amended by chap. 821, Laws of 1913.*]

**§ 411. Instructing voters.** In case any voter after entering the voting machine booth, and before the closing of such booths, shall ask for further instructions concerning the manner of voting, two inspectors of opposite political parties shall give such instructions to him; but no inspector or other election officer or person assisting a voter shall in any manner request, suggest or seek to persuade or induce any such voter to vote any particular ticket, or for any particular candidate, or for or against any particular amendment, question or proposition. After giving such instructions, the inspectors shall retire and such voter shall then close the booth and vote as in the case of an unassisted voter. [*Amended by chap. 537, Laws of 1916.*]

**§ 412. Illiterate or disabled voters.** The provisions of sections one hundred and sixty-four and three hundred and fifty-seven of this chapter, shall apply also when ballot machines are used, and the word "booth" when used in such sections, shall be interpreted to include the ballot machine inclosure or curtain.

**§ 413. Canvass of vote and proclamation of result.** There shall be printed directions in the statement of canvass to the election officers for their guidance before the polls are opened and when the polls are closed; a certificate of which shall be signed by the election officers before the polls are opened, showing the delivery of the keys in a sealed envelope; the number on the seal; the number registered on the protective counter, if one is provided; if all of the counters are set at zero (000); if the public counter is set at zero (000); if the ballot labels are properly placed in the machine. Also a certificate which shall be filled out

after the polls have been closed, that the machine has been locked against voting and sealed; the number of electors as shown on the public counters; the number on the seal; the number registered on the protective counter, if one is provided; and that the voting machine is closed and locked. The inspectors' return and statement of canvass shall show the total number of votes cast for each office, the number of votes cast for each candidate, as shown on his counter, and the number of votes for persons not nominated, which shall be certified by the board of inspectors. As soon as the polls of the election are closed, the inspectors of election thereat shall immediately lock the voting machine against voting, and open the counting compartments in the presence of the watchers and all other persons who may be lawfully within the polling place, giving full view of all the counter numbers. The chairman of the board of inspectors shall, under the scrutiny of an inspector of a different political party, in the order of the offices as their titles are arranged on the machine, read and announce in distinct tones the designating number and letter on each counter for each candidate's name, the result as shown by the counter numbers, and shall then read the votes recorded for each office on the irregular ballots. He shall also in the same manner announce the vote on each constitutional amendment, proposition or other question. The counter shall not in the case of presidential electors be read consecutively along the party row or column, but shall always be read along the office columns or rows, completing the canvass for each office. The vote as registered shall be entered by the clerks on the tally sheet in ink, in the same order on the space which has the same designating number and letter. After copying the vote from the tally sheets on the returns, the figures shall be verified by being called off in the same manner from the counters of the machine by an inspector of a different political party. The counter compartment of the voting machine shall remain open until the official returns and all other reports have been fully completed and verified by the election board. During such time any candidate, watcher, or challenger of any party or independent body duly accredited as provided by section three hundred and fifty-two of the election law who may desire to be present shall be admitted to the polling place. The proclamation of the result of the votes cast shall be deliberately announced in a distinct voice by the chairman of the board of inspectors who shall read the name of each candidate, with the designating number and letter of his counter, and the vote registered on such

counter; also the vote cast for and against each question submitted. During such proclamation ample opportunity shall be given to any person lawfully present to compare the results so announced with the counter dials of the machine and any necessary corrections shall then and there be made by the election board, after which the doors of the voting machine shall be closed and locked.

Before adjourning the board shall, with the seal provided therefor, so seal the operating lever of the machine that the voting and counting mechanism will be prevented from operation. [*As amended by chap. 240, Laws of 1909, chap. 649, Laws of 1911, and chap. 821, Laws of 1913.*]

**§ 414. Disposition of irregular ballots; and preserving the record of the machine.** The inspectors of election shall, as soon as the count is completed and fully ascertained as in this chapter required, lock the machine against voting, and it shall remain so for the period of three months, except as provided by section four hundred and sixteen of this chapter and except that it may be opened and all the data and figures therein examined upon the order of any court of competent jurisdiction or may be opened by direction of a committee of the senate or assembly to investigate and report upon contested elections of members of the legislature voted for by the use of such machine and such data and figures examined by such committee in the presence of the officer having the custody of such machine. Any candidate shall be entitled on application to the supreme court and on reasonable grounds shown to have any machine in or upon which he was named as a candidate opened and all the data and figures therein examined by him or his authorized agents, but the court shall prescribe such conditions as of notice to other candidates or otherwise as it shall deem necessary and proper. Whenever irregular ballots have been voted, the inspectors shall return all of such ballots in a properly secured sealed package indorsed "irregular ballots," and file such package with the original statement of canvass. It shall be preserved for six months after such election, and may be opened and its contents examined only upon order of the supreme court or a justice thereof, or a county judge of such county, or by direction of such a committee of the senate and assembly if the ballots relate to the election under investigation by such committee, and at the expiration of such time, such ballots may be

disposed of in the discretion of the officer or board having charge of them. [*Amended by chap. 537, Laws of 1916.*]

**§ 415. Disposition of keys; opening counter compartment.** The keys of the machine shall be enclosed in an envelope which shall be supplied by the officials, on which shall be written the number of the machine and the district and ward where it has been used, which shall be securely sealed and indorsed by the election officers, and shall be so returned to the officer from whom they were received. The number on the seal and the number registered on the protective counter, if so provided, shall be written on the envelope containing the keys. All keys for voting machines shall be kept securely locked by the officials having them in charge. A public officer who, by any provision of law, is entitled to the custody of a machine for any period of time, shall be entitled to the keys therefor while such machine is in his charge. It shall be unlawful for any unauthorized person to have in his possession any key or keys of any voting machine; and all election officers, or persons entrusted with such keys for election purposes, or in the preparation of the machine therefor, shall not retain them longer than necessary to use them for such legal purpose. All machines shall be boxed and collected as soon after the close of the election as possible, and the machines, and the boxes for the machines, shall at all times be stored in a suitable place. [*As amended by chap. 465, Laws of 1909, and chap. 537, Laws of 1916.*]

**§ 416. Provision for re-canvass of vote.** Whenever it shall appear that there is a discrepancy in the returns of any election district, the county board of canvassers shall summon the inspectors of election thereof and said inspectors shall, in the presence of said board of canvassers, or a bi-partisan committee thereof, make a record of the number on the seal and the number on the protective counter, if one is provided, open the counter compartment of said machine, and without unlocking said machine against voting, shall re-canvass the vote cast thereon. Before making such re-canvass the county board of canvassers shall give notice in writing to the custodian and to the county chairman of each political party or nominating body that shall have nominated candidates for the election, of the time and place where said re-canvass is to be made; and each of

such political parties or nominating bodies may send two representatives to be present at such re-canvass. If, upon such re-canvass, it shall be found that the original canvass of the returns has been correctly made from the machine, and that the discrepancy still remains unaccounted for, the county board of canvassers, or said committee thereof, with the assistance of the custodian of said machine, shall, in the presence of the inspectors of election and the authorized representatives of the several said political parties or nominating bodies, unlock the voting and counting mechanism of said machine and shall proceed to thoroughly examine and test the machine to determine and reveal the true cause or causes, if any, of the discrepancy in the returns from said machine. Before testing the counters they shall be reset at zero (000) after which each counter shall be operated at least one hundred times. After the completion of said examination and test, the custodian shall then and there prepare a statement in writing giving in detail the result thereof, and said statement shall be witnessed by the persons present and shall be filed with the secretary of the county board of canvassers. But nothing contained in this section shall authorize any change in the returns filed by inspectors of election in any election, district nor authorize any board of canvassers in any wise to consider or act upon any re-canvass of votes made pursuant thereto. *[Amended by chap. 537, Laws of 1916.]*

#### **§ 417. Application of other articles and penal law.**

The provisions of the other articles of this chapter apply as far as practicable to voting by voting machines, except as herein provided. The provisions of the penal law and of this chapter relating to misconduct at elections shall apply to elections with voting machines. Any person who shall before or during an election tamper with any voting machine; or who shall interfere or attempt to interfere with the correct operation of the voting machine, or the secrecy of voting; or shall wilfully injure a voting machine to prevent its use; or, any election or police officer or anyone employed to assist in the care or arrangement of the voting machine, who shall permit any person to violate the secrecy of the voting, or to interfere in any way with the correct operation of the voting machine; or any unauthorized person who shall make or have in his possession a key to a voting machine that has been adopted and will be used in elections in this state shall be guilty of a felony, punishable by imprisonment in a state prison for not less than one year nor more than five years.

**§ 418. When ballot clerks not to be elected.** Ballot clerks shall not be elected or appointed for any district for which a voting machine shall have been adopted, and which will be supplied and ready for use at the next election to be held therein.

**§ 419. Number of voters in election districts.** For any election in any city, town or village in which voting machines are to be used, the election districts in which such machines are to be used may be created by the officers charged with the duty of creating election districts, so as to contain as near as may be four hundred and fifty voters each. Such redistricting or redivision may be made at any time after any November election and on or before August fifteenth following, to take effect on the sixth Wednesday before the next general election. Where such redistricting or redivision shall be made in any town, the board making the same shall, on or before September first following, appoint from the inspectors of election then in office (if sufficient therefor are then in office, and, if not, from persons not in office, sufficient to make up the requisite number), to take effect on or before the first day of registration thereafter and not earlier than the second Wednesday following the next fall primary, four inspectors of election for each election district thus created, who shall be equally divided between the two parties entitled to representation on said boards of inspectors. Thereafter no redivision of such election district shall be made for elections by such machines until at some general election the number of votes cast in one or more of such districts shall exceed five hundred. But the town board of a town in which such machines are used may alter the boundaries of the election districts at any time after a general election and on or before August fifteenth following, to take effect on the sixth Wednesday before the next general election, provided that the number of such election districts in such town shall not be increased or reduced, and the number of votes to be cast in any district whose boundaries are so altered shall not exceed five hundred.

If the creation, division or alteration of an election district is rendered necessary by the creation, division or alteration of a town, ward or city or rendered necessary or occasioned by the division of a county into assembly districts after a reapportionment by the legislature or members of assembly, such creation, division or alteration of an election district shall be made and

shall take effect immediately; and inspectors of election for the new election districts, as so created, divided or altered, shall be appointed, in the manner provided by law, a reasonable time before the next official primary or meeting for registration and such appointments shall take effect immediately. [*As amended by chap. 244, Laws of 1914, and chap. 537, Laws of 1916.*]

**§ 420. Definitions.** The list of candidates used or to be used on the front of the voting machine shall be deemed official ballots under this chapter for an election district in which a voting machine is used pursuant to law. The word "ballot" as used in this article, (except when reference is made to irregular ballots) means that portion of the cardboard or paper or other material within the ballot frames containing the name of the candidate and the emblem of the party organization by which he was nominated, or a statement of a proposed constitutional amendment, or other question or proposition with the word "Yes" for voting for any question or the word "No" for voting against any question. The term "question" shall mean any constitutional amendment, proposition, or other question submitted to the voters at any election. The term "ballot label" shall mean the printed strips of cardboard containing the names of the candidates nominated, and the questions submitted. The term "irregular ballot" shall mean a vote cast, by or on a special device, for a person whose name does not appear on the ballot labels. The term "voting machine custodian" shall mean the person who shall have charge of preparing and arranging the voting machine for elections. The term "protective counter" shall mean a separate counter built into the voting machine which cannot be reset, which records the total number of movements of the operating lever. [*As amended by chap. 821, Laws of 1913.*]

**§ 421. Saving clause.** Nothing herein shall be deemed to prohibit the adoption or use of any voting machine at any election within any town, city or village that has adopted the same prior to the tenth day of December, nineteen hundred and thirteen, if the mechanism is or may be made adjustable to conform to the grouping of candidates under the title of the office, but the method of conducting an election therewith shall be in the manner prescribed by this chapter. [*As amended by chap. 821, Laws of 1913.*]

**<sup>1</sup> ARTICLE 12****Boards of Canvassers**

- Section 430. Organization of county board of canvassers.
431. Production of returns and tally sheets.
432. Correction of clerical errors in election district statements.
433. Mandamus to county or state boards of canvassers to correct errors.
434. Proceedings of state board of canvassers upon corrected statements of county boards.
435. Mandamus to state board to canvass corrected statements of county boards.
436. Proceedings upon corrected statements.
437. Statements of canvass by county boards; preservation of protested, void and wholly blank ballots.
438. Decisions of county boards as to persons elected.
439. Transmission of statements of county boards to secretary of state and board of elections.
440. Organization and duties of board of canvassers of the city of New York.
441. Organization of state board of canvassers.
442. Canvass by state board.
443. Certificates of election.
444. Record in office of secretary of state of county officers elected.

**§ 430. Organization of county board of canvassers.**

The board of supervisors of each county shall be the county board of canvassers of such county. The county board of canvassers of each county within the city of New York shall consist of the members of the board of aldermen of the city of New York elected as such within the county. The said county boards of canvassers shall also within their respective counties be the city board of canvassers of such city. The county board of canvassers of a county containing a city or cities shall be the city board of canvassers of such city or cities, except that the board of aldermen of the city of Buffalo shall be the city board of canvassers for such city. The county board of canvassers of

<sup>1</sup>As renumbered by chap. 890, Laws of 1913.

the respective counties shall meet on the Tuesday next after each election of public officers held in such county other than an election of town, city, village or district school officers held at a different time from a general election. The board of county canvassers shall meet at the usual place of meeting of the board of supervisors, except that in a county wholly included in the city of New York such board of county canvassers shall meet at the office of the county clerk. Upon such meeting they shall choose one of their number chairman of such board. In a county having a single commissioner of elections, instead of a board of elections, such commissioner shall be the secretary of the board of county canvassers. In a county wholly included within the limits of the city of New York and in a county, if any, in which the general powers and duties of a county board of elections is devolved upon the county clerk by this chapter, the county clerk, or if he be absent or unable to act, a deputy county clerk designated by the clerk, shall be secretary of the board of county canvassers. In every other county of the state the president of the board of elections shall be the secretary of the board of county canvassers, or if he be absent or unable to act, the secretary of such board shall be the secretary of the board of county canvassers. When a chairman of the board of county canvassers shall have been chosen, as above provided, the secretary of such board shall thereupon administer the constitutional oath of office to the chairman, who shall then administer such oath to each member, and to the secretary of the board. A majority of the members of any board of canvassers shall constitute a quorum thereof. If, on the day fixed for such meeting, a majority of any such board shall not attend, the members of the board then present shall elect the chairman of the board and adjourn to some convenient hour of the next day. If such board, or a majority thereof, shall fail or neglect to meet within two days after the time fixed for organizing such board, the supreme court, or any justice thereof, or county judge within such county, may compel the members thereof by writ of mandamus to meet and organize forthwith. [*As amended by chap. 432 Laws of 1910, and chap. 537, Laws of 1916.*]

**§ 431. Production of returns and tally sheets.** As soon as such board of county canvassers shall have been organized, the officer with whom they were filed shall deliver to such board of canvassers all the returns with tally sheets annexed containing the original statements of canvass received from inspectors of election for districts within the county for which said board are

county or city canvassers. The original statements which have been delivered to members of the board of canvassers shall then be delivered to the board. If any member of the county board of canvassers shall be unable to attend the first meeting of such board, he shall, at or before such meeting, cause to be delivered to the secretary of such board any original statement that may have come into his possession. If, at the first meeting of a county board of canvassers of any county, all returns with tally sheets annexed so required to be produced shall not be produced before the board, it shall adjourn to some convenient hour of the same or the next day, and the secretary of such board shall, by special messenger or otherwise, obtain such missing returns, if possible, otherwise he shall procure the other set of returns with tally sheets annexed, or, failing that, the third set of returns without tally sheets, in time to be produced before such board at its next meeting. At such first meeting, or as soon as an original statement of the result of the canvass of the votes cast at such election in every election district of the county shall be produced before such board, the board shall proceed to canvass the votes cast in such county at such election. [*As amended by chap. 821, Laws of 1913, and chap. 537, Laws of 1916.*]

**§ 432. Correction of clerical errors in election district statements.** If, upon proceeding to canvass such votes, it shall clearly appear to any county board of canvassers that certain matters are omitted from any such statement which should have been inserted, or that any merely clerical mistakes exist therein, they shall have power, and such power is hereby given, to summon the election officers whose names are subscribed thereto before such board, and such election officers shall forthwith meet and make such correction as the facts of the case require; but such election officers shall not change or alter any decision before made by them, but shall only cause their canvass to be correctly stated. The board of county canvassers may adjourn from day to day not exceeding three days in all, for the purpose of obtaining and receiving such corrected statements. [*As amended by chap. 821, Laws of 1913.*]

**§ 433. Mandamus to county or state boards of canvassers to correct errors.** The supreme court may, upon affidavit presented by any voter, showing that errors have occurred in any statement or determination made by the state board of canvassers, or by any board of county canvassers, or that any such

board has failed to act in conformity to law, make an order requiring such board to correct such errors, or perform its duty in the manner prescribed by law, or show cause why such correction should not be made or such duty performed. If such board shall fail or neglect to make such correction, or perform such duty, or show cause as aforesaid, the court may compel such board, by writ of mandamus, to correct such errors or perform such duty; and if it shall have made its determination and dissolved, to reconvene for the purpose of making such corrections or performing such duty. Such meeting of the board of state or county canvassers shall be deemed a continuation of its regular session, for the purpose of making such corrections, or otherwise acting as the court may order, and the statements and certificates shall be made and filed as the court shall direct, and shall stand in lieu of the original certificates and statements so far as they shall vary therefrom, and shall in all places be treated with the same effect as if such corrected statements had been a part of the originals required by law.

A special proceeding authorized by this section must be commenced within four months after the statement or determination in which it is claimed errors have occurred was made, or within four months after it was the duty of the board to act in the particular or particulars as to which it is claimed to have failed to perform its duty.

**§ 434. Proceedings of state board of canvassers upon corrected statements of county boards.** When a new or corrected statement or certificate, made by a board of county canvassers under the provisions of the preceding section, shall vary from the original statement or certificate with reference to votes for the offices of governor, lieutenant-governor, judge of the court of appeals, justice of the supreme court, secretary of state, comptroller, state treasurer, attorney-general, state engineer and surveyor, senator or representative in congress, or any of them, the county clerk, or other officer with whom the same is filed, shall forthwith prepare and transmit certified copies thereof to the officials mentioned in section four hundred and thirty-nine of this article, in the manner therein prescribed. The secretary of state shall thereupon file in his office the certified copy received by him, and obtain from the governor and comptroller the certified copies received by them, or either of them, and file the same in his office. He shall then, and within five days after any such certified copy has been received by him,

appoint a meeting of the state canvassers to be held at his office, or the office of the state treasurer or comptroller, and the said board of state canvassers shall, from such certified copies, proceed to make a new statement of the whole number of votes given at the election referred to in such statement for the various offices above mentioned, or any of them, so far as the number of votes for any particular office or candidate has been changed by such new or corrected statement in the manner provided by section four hundred and forty-two of this article. Upon the new or corrected statement thus made, the said board of state canvassers shall then proceed to determine and declare what person or persons whose votes are affected by such new or corrected statement have been, by the greatest number of votes, duly elected to the various offices, or any of them, and the statement, certificate and declaration thereupon made shall stand in lieu of the original statement, declaration and certificate so far as the latter are changed by the former.

**§ 435. Mandamus to state board to canvass corrected statements of county boards.** The supreme court shall, upon application of a candidate interested in the result of such new or corrected statement, or of any voter in the county from which such statement came, and upon proof by affidavit that the same had been made and filed as herein provided, and that the state board of canvassers has neglected or refused to act thereon within the time above prescribed, require said board to act upon such new or corrected statement, and canvass the same as above provided, or show cause why it should not do so; and in the event of the failure of such board to act upon such new or corrected statement and canvass the same, or show cause as aforesaid, the court may compel such board by writ of mandamus to act upon and canvass such new or corrected statement, and make a statement, certificate and declaration in accordance therewith; and if the state board of canvassers shall have made a determination, and adjourned or dissolved before receiving such new or corrected statement, the court may compel such board to reconvene for the purpose of carrying out its order and direction; and for that purpose the meeting of said board shall be deemed a continuance of its regular session.

**§ 436. Proceedings upon corrected statements.** The state board of canvassers and the secretary of state shall respectively have the same powers and discharge the same duties

with reference to new or corrected statements, that they have and are charged with with reference to original statements.

**§ 437. Statements of canvass by county boards; preservation of protested, void and wholly blank ballots.** Upon the completion by a county board of canvassers of the canvass of votes of which original statements of canvass are by law required to be delivered to them, by the boards or officers with whom the same may have been filed by the inspectors of election, they shall make separate statements thereof as follows:

1. One statement of all such votes cast for each office of elector of president and vice-president of the United States.

2. One statement of all such votes cast for each state office, to include, in the case of a candidate for governor who was nominated by two or more parties or independent bodies, a separate statement of the number of votes cast for him as the candidate of each party or independent body by which he was nominated.

3. One statement of all such votes cast for each office of representative in congress, except that the board of canvassers in the county of New York shall not make a statement of the votes cast in any election district in said county, for any candidate for the office of assemblyman, senator or representative in congress, the candidates for which were also voted for by voters in election districts in any county not within the city of New York.

4. One statement as to all such votes cast upon every proposed constitutional amendment or other proposition or question duly submitted to all the voters of the state.

5. One statement as to all the votes cast for all and each of the candidates for each office of member of assembly for which the voters of such county or any portion thereof, except as provided in paragraph numbered three in this section, were entitled to vote at such election.

6. One statement as to all the votes cast for each county office, and office of school commissioner, for which the voters of such county, or any portion thereof, were entitled to vote at such election, and to be canvassed by them.

7. One statement as to all the votes, if any, upon any proposition or question upon which only the voters of such county were entitled to vote at such election.

8. In the counties wholly or partly within the city of New York, the respective county boards shall make a separate statement as to the votes, if any, so cast upon any proposition or ques-

tion upon which only the voters of such city were entitled to vote at such election in such county or portion thereof.

Each such statement shall set forth, in words written out at length, all votes cast for all the candidates for each such office; and if any such office was to be filled at such election by the voters of a portion only of a county, all the votes cast for all the candidates for each office in any such portion of a county, designating it by its proper district number or other appropriate designation; the name of each such candidate; the number of votes so cast for each, and, in the case of a candidate for governor who was nominated by two or more parties or independent bodies, the number separately stated of votes cast for him as the candidate of each party or independent body by which he was nominated; and the whole number of votes so cast upon any proposed constitutional amendment or other proposition or question, and all the votes so cast in favor of and against the same respectively. In the counties wholly or partly within the city of New York, the respective county boards shall make a separate statement of the votes cast for all the city offices voted for by the voters of such city or any portion thereof, within such counties.

The statements required by this section shall each be certified as correct over the signatures of the members of the board, or a majority of them, and shall be filed and recorded in the office of the board of elections of each county except in the counties wholly within the city of New York, and in such counties they shall be filed in the office of the county clerk. When the whole canvass shall be completed, all original statements of canvass used thereat shall be filed in the office of the secretary of the board, who shall file a report of such canvass with the board of supervisors, except in counties wholly within a city of the first class. The original statement of canvass not used at the canvass and the packages of protested, void and wholly blank ballots shall be retained in the office in which or by the officer with whom they were filed, except as otherwise expressly provided by law. The packages of protested, void and wholly blank ballots shall be retained inviolate in the office in which they are filed subject to the order and examination of a court of competent jurisdiction, or to examination by a committee of the senate or assembly to investigate and report on a contested election of member of the legislature where such ballots were cast at such election, and may be destroyed at the end of six months from the time of the completion of such canvass, unless otherwise ordered by a court of competent jurisdiction or unless

such committee examination be pending. [*As amended by chap. 821, Laws of 1913, chap. 244, Laws of 1914, and chap. 537, Laws of 1916.*]

**§ 438. Decisions of county boards as to persons elected.** Upon the completion of the statements required by the preceding section the board of canvassers for each county shall determine what person has by the greatest number of votes been so elected to each office of member of assembly to be filled by the voters of each county for which they are county canvassers if constituting one assembly district, or in each assembly district therein, if there be more than one, and each person elected by the greatest number of votes to each county office of such county to be filled at such election, and if there be more than one school commissioner district in such county, each person elected by the greatest number of votes to the office of school commissioner to be filled at such election in each district. The board of elections of the county of Hamilton shall forthwith transmit to the board of elections of the county of Fulton a certified copy of the statement so filed and recorded in its office of the county board of canvassers of Hamilton county as to all the votes so cast in Hamilton county for all the candidates and for each of the candidates for the office of member of assembly of the assembly district composed of Fulton and Hamilton counties; and the board of elections of Fulton county shall forthwith deliver the same to the Fulton county board of canvassers, who shall from such certified copy, and from their own statement as to the votes so cast for such office in Fulton county, determine what person was at such election elected by the greatest number of votes to such office. Such board of each county shall determine whether any proposition or question submitted to the voters of such county only has by the greatest number of votes been adopted or rejected.

All such determinations shall be reduced to writing and signed by the members of such board, or a majority of them, and filed and recorded in the office of the board of elections of such county, except in the counties wholly within the city of New York, and in such counties the county clerk, who or which shall each cause a copy thereof, and of the statement filed and recorded in his or its office, upon which such determination was based, to be published in accordance with the provisions of the laws of eighteen hundred and ninety-two, chapter six hundred and eighty-six, sections twenty-one and twenty-two.

The board of elections of each county, except in the counties

wholly within the city of New York, and in such counties the county clerk, shall prepare as many certified copies of each certificate of the determination of the county board of canvassers of such county as there are persons declared elected in such certificate, and shall, without delay, transmit such copies to the persons therein declared to be elected, respectively. [*Amended by chap. 537, Laws of 1916.*]

**§ 439. Transmission of statements of county boards to secretary of state and board of elections.** Upon the filing in the office of the county clerk or board of elections of a statement of the county board of canvassers as to the votes cast for candidates for the offices of electors of president and vice-president, or as to the votes cast for candidates for state officers, except members of assembly, and for representatives in congress, or as to the votes cast on any proposed constitutional amendment or other proposition or question submitted to all the voters of the state, such county clerk or board of elections shall forthwith make two certified copies of each such statement, and, within five days after the filing thereof in his or its office, transmit by mail one of such copies to the secretary of state, and one to the comptroller of the state. The comptroller shall forthwith upon the receipt thereof deliver such certified copy to the secretary of state. If any certified copy shall not be received by the secretary of state on or before the last day of November next after a general election, or within twenty days after a special election, he shall dispatch a special messenger to obtain such certified copy from the county clerk or board of elections required to transmit the same, and such county clerk or board of elections shall immediately upon demand of such messenger at his or its office make and deliver a certified copy to such messenger who shall, as soon as practicable, deliver it to the secretary of state.

The board of elections of each county, except a county wholly within the city of New York, and in any such county the county clerk, shall transmit to the secretary of state within twenty days after a general election, and within ten days after a special election, a list of the names and residences of all persons determined by the board of county canvassers of such county to be elected member of assembly, or to any county office; and on or before the fifteenth day of December in each year a certified tabulated statement of the official canvass of the votes cast in each such county by election districts for candidates for governor, lieutenant-governor, secretary of state, comptroller, treasurer, attorney-general, state

engineer and surveyor and United States senator, or any proposed constitutional amendment or other proposition, at the last preceding general election, to include, in the case of a candidate for governor who was nominated by two or more parties or independent bodies, a separate statement of the number of votes cast for him as the candidate of each party or independent body by which he was nominated.

Upon the filing in the office of the county clerk of a county wholly or partly within the city of New York of a statement of the county board of canvassers as to the votes cast for candidates for a city office within such city, such county clerk shall forthwith make a certified copy of each such statement and, within five days after the filing thereof in his office, deliver in a sealed envelope such certified copy to the board of elections of the city of New York; on or before the fifteenth day of December in any year in which there shall have been an election for a city office for which votes were cast in a county within the city of New York the county clerk thereof shall file with the city clerk of such city a certified copy of the official canvass of the votes cast in such county or portion thereof by election districts for such city office, and such canvass by election districts shall, as soon as possible thereafter, be published in the City Record. [*As amended by chap. 244, Laws of 1914, and chap. 537, Laws of 1916.*]

**§ 440. Organization and duties of board of canvassers of the city of New York.** The board of elections of the city of New York shall be the board of canvassers of the city of New York of the statements of the county boards of canvassers of the counties within such city of the votes cast in such city or any portion thereof for a city office or upon any proposition or question upon which only voters of such city were entitled to vote. The members of the board of elections shall meet at the usual place for holding their regular meeting on the first Monday in December succeeding a general election for a city office within such city and within thirty days after a special election, and shall organize by selecting one of the members as chairman. The secretary of the board of elections of the city of New York shall be the secretary of the board so organized, or if he be unable to serve the board may appoint a chief clerk to be such secretary. The secretary shall thereupon administer to the chairman the constitutional oath of office and the chairman shall administer such oath to the members of such board and the secretary thereof.

As soon as such board shall have organized the secretary shall deliver to such board the certified copies of the statements of the county board of canvassers of each county wholly or partly within such city of the votes cast for candidates for city office within such city and upon any proposition or question, if any, submitted to the voters of such city only, and the said board shall proceed to canvass such statements. If a certified copy of any statement of any county board required to be delivered to said board shall not be delivered prior to the meeting and organization of said board, it may \*adjourn such meeting from day to day not exceeding a term of five days, and it shall be the duty of the secretary to procure from the county clerk of such county the required certified copy of such statement.

Upon the completion of such canvass said board shall make separate tabulated statements signed by the members of such board or a majority thereof, and attested by the secretary, of the whole number of votes cast for all the candidates for each office shown by such certified copies to have been voted for, the whole number of votes cast for each of such candidates, the number of votes cast in each county for them, and if the voters of only a part of a county were entitled to vote for such candidates, the part of such county, and the determination of the board as to the persons thereby elected to such office by the greatest number of votes. The said board shall also make a separate similar tabulated statement of the votes cast upon any proposition or question submitted at the election to the voters of such city only and shall include a determination as to whether such proposition or question by the greatest number of votes has been adopted or rejected.

Each such statement and determination shall be filed and recorded in the office of the board of elections, and the said board shall cause the publication of the same in at least two newspapers within each borough of such city and in the City Record. Upon the filing in the office of the board of elections of such statements and determination the president of the board of elections shall issue and transmit by mail or otherwise a certificate of election to each person shown thereby to be elected, such certificate to be countersigned by the members of the board of elections of the city of New York under the seal of the city of New York.

**§ 441. Organization of state board of canvassers.**  
The secretary of state, attorney-general, comptroller, state

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\* So in original.

engineer and surveyor, and treasurer, shall constitute the state board of canvassers, three of whom shall be a quorum. If three of such officers shall not attend on a day duly appointed for a meeting of the board, the secretary of state shall forthwith notify the mayor and recorder of the city of Albany to attend such meeting, and they shall forthwith attend accordingly, and shall, with the other such officers attending, constitute such board. The secretary of state shall appoint a meeting of such board at his office, or at the office of the treasurer or comptroller on or before the fifteenth day of December next after each general election, and within forty days after each special election, to canvass the statements of boards of county canvassers of such election. He shall notify each member of the board of such meeting. The board may adjourn such meeting from day to day, not exceeding a term of five days.

**§ 442. Canvass by state board.** Such board shall at such meeting proceed to canvass the certified copies of the statements of the county board of canvassers of each county in which such election was held. If any member of such board shall dissent from a decision of the board, or shall deem any of the acts or proceedings of the board to be irregular, and shall protest against the same, he shall state such dissent or protest in writing signed by him, setting forth his reasons therefor, and deliver it to the secretary of state, who shall file it in his office.

Upon the completion of such canvass said board shall make separate tabulated statements signed by the members of such board or a majority thereof, of the whole number of votes cast for all the candidates for each office shown by such certified copies to have been voted for, the whole number of votes cast for each of such candidates, the number of votes cast in each county for them, and if the voters of only a district of the state were entitled to vote for any such candidate, the name and number of such district; the determination of the board as to the persons thereby elected to such office; the whole number of votes shown by such certified copies to have been cast upon each proposed constitutional amendment or other proposition or question shown by such copies to have been voted upon; the whole number of votes cast in favor of and against each, respectively; and the determination of the board as to whether it was adopted or rejected. Each such statement, dissent and protest shall be delivered to the secretary of state and recorded in his office.

**§ 443. Certificates of election.** The secretary of state shall thereupon forthwith transmit a copy, certified by his signature and official seal, of each such statement as to votes cast for candidates for any office, to the person shown thereby to have been elected to such office. He shall prepare a general certificate, under the seal of this state, and attested by him as secretary thereof, addressed to the house of representatives of the United States, in that congress for which any person shall have been chosen, of the due election of all persons so chosen at that election as representatives of this state in congress; and shall transmit the same to the house of representatives at its first meeting. If any person so chosen at such election shall have been elected to supply a vacancy in the office of representative in congress, it shall be mentioned by the secretary of state in the statements to be prepared by him.

**§ 444. Record in office of secretary of state of county officers elected.** The secretary of state shall enter in a book to be kept in his office the names of the respective county officers elected in this state, including school commissioners, specifying the counties and districts for which they were severally elected, and their places of residence, the offices to which they were respectively elected, and their terms of office.

## **<sup>1</sup>ARTICLE 13**

### **<sup>2</sup>United States Senators, Representatives in Congress and Presidential Electors**

Section 449. <sup>3</sup>United States senators.

450. Representatives in congress.

451. Electors of president and vice-president.

452. Meeting and organization of electoral college.

453. Secretary of state to furnish lists of electors.

454. Vote of the electors.

455. Appointment of messenger.

456. Other lists to be furnished.

457. Compensation of electors.

**§ 449. United States senators.** At the general election next preceding the expiration of the term of office of a United States senator from this state, a successor to such office shall be

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<sup>1</sup> As renumbered by chap. 800, Laws of 1913.

<sup>2</sup> Article heading amended by chap. 820, Laws of 1913.

<sup>3</sup> Section 449 added by chap. 822, Laws of 1913.

elected by the people for a full term of six years. If a vacancy occur in the office of United States senator from this state in any calendar year less than thirty days prior to a general election, the governor shall make a temporary appointment to fill such vacancy until the first day of December in the succeeding calendar year. If such a vacancy occur in any calendar year more than thirty days prior to a general election the governor shall make a temporary appointment to fill such vacancy until the first day of December in such calendar year. Such an appointment to fill a vacancy shall be evidenced by a certificate of the governor which shall be filed in the office of the secretary of state. At the time of filing of such certificate the governor shall also issue, and file in the office of the secretary of state, a writ of election directing the election of a United States senator to fill such vacancy for the unexpired term at the general election next preceding the expiration of the term of such appointment. The provisions of this chapter relating to the canvass of votes and of election results shall apply to such an election to fill a vacancy, except that the canvass of votes and results affecting the office of United States senator shall be completed by the county board of canvassers, and statements thereof certified to the secretary of state within ten days after the election and the canvass of such results completed by the state board of canvassers and statements thereof certified to the secretary of state before the first day of December following the election. Each county board of canvassers shall meet and organize for such purpose on the third day after the election and the state board of canvassers on the second Monday after election. [*As added by chap. 822, Laws of 1913.*]

**§ 450. Representatives in congress.** Representatives in the house of representatives of the congress of the United States shall be chosen in the several congressional districts at the general election held therein in every even numbered year. If any such representative shall resign, he shall forthwith transmit a notice of his resignation to the secretary of state, and if a vacancy shall occur in any such office, the clerk of the county in which such representative shall have resided at the time of his election, shall, without delay, transmit a notice thereof to the secretary of state.

**§ 451. Electors of president and vice-president.** At the general election in November preceding the time fixed by the law of the United States for the choice of president and vice-

president of the United States, there shall be elected by general ticket as many electors of president and vice-president as this state shall be entitled to, and each voter in this state shall have a right to vote for the whole number, and the several persons, to the number required to be chosen, having the highest number of votes shall be declared and be duly appointed electors.

**§ 452. Meeting and organization of electoral college.** The electors of president and vice-president shall convene at the capitol on the second Monday in January next following their election, and those of them who shall be assembled at twelve o'clock, noon, of that day, shall immediately at that hour fill, by ballot and by plurality of votes, all vacancies in the electoral college occasioned by the death, refusal to serve, or neglect to attend at that hour, of any elector, or occasioned by an equal number of votes having been given for two or more candidates. The electoral college being thus completed, they shall then choose a president, and one or more secretaries from their own body.

**§ 453. Secretary of state to furnish lists of electors.** The secretary of state shall prepare three lists, setting forth the names of such electors, and the canvass under the laws of this state of the votes given for each person for whose election any and all votes were given, together with the certificate of determination thereon, by the state canvassers; procure to the same the signature of the governor; affix thereto the seal of the state; and deliver the same thus signed and sealed to the president of the college of electors on the second Monday in January.

**§ 454. Vote of the electors.** Immediately after the organization of the electoral college, the electors shall then and there vote by ballot for president and vice-president, one of whom at least shall not be an inhabitant of this state. They shall name in their ballots the person voted for as president, and in distinct ballots, the person voted for as vice-president. They shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each, which lists they shall sign and certify, and after annexing thereto one of the lists received from the secretary of state, they shall seal up the same, certifying thereon, that lists of the votes of this state for president and vice-president are contained therein.

**§ 455. Appointment of messenger.** The electors shall then, by a writing under their hands, or under the hands of a

majority of them, appoint a person to take charge of the lists so sealed up, and deliver the same to the president of the senate at the seat of government of the United States before the third Monday in the said month of January. In case there shall be no president of the senate at the seat of government on the arrival of the person intrusted with the lists of the votes of the electors, then such person shall deliver the lists of votes in his custody into the office of the secretary of state of the United States.

**§ 456. Other lists to be furnished.** The electors shall also forward forthwith, by the post-office in the city of Albany, to the president of the senate of the United States at the seat of government, and deliver forthwith to the judge of the United States court for the northern district of the state of New York, similar lists signed, annexed, sealed up and certified in the manner aforesaid.

**§ 457. Compensation of electors.** Every elector of the state for the election of a president and vice-president of the United States, who shall attend at any election of those officers and give his vote at the time and place appointed by law, shall be entitled to receive for his attendance at such election, the sum of fifteen dollars per day, together with ten cents per mile each way from his place of residence by the most usual traveled route, to the place of meeting of such electors, to be audited by the comptroller upon the certificate of the secretary of state, and paid by the treasurer.

## **<sup>1</sup>ARTICLE 14**

### **<sup>18</sup>State Superintendent of Elections**

Section 470. <sup>19</sup>Metropolitan elections district.

471. State superintendent of elections, chief deputy and assistants.

472. Powers of superintendent, clerks and deputies.

\* 473. Deputies; appointment, qualification, examination, vacancies and terms.

474. Additional deputies.

475. Control and powers of deputies; refusal to furnish information.

476. Aid by private persons and public officers.

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<sup>1</sup> As renumbered by chap. 800, Laws of 1913.

<sup>18</sup> Title amended by chap. 649, Laws of 1911 and chap. 800, Laws of 1913.

<sup>19</sup> Repealed by chap. 649, Laws of 1911.

\* Repealed by chap. 678, Laws of 1915.

Section 477. Subpoenas by state superintendent.

478. Administration of oaths by superintendent and deputies.

479. Attendance and duties at polling places.

480. Reports by lodging-house and hotel keepers.

481. Affidavits by hotel keepers holding liquor licenses.

482. Filing such reports and affidavits.

483. Reports by police and certain departments.

484. List to be furnished if required by the superintendent of elections.

485. Card lists of registered electors.

486. Challenge lists.

487. Salaries and expenses.

488. Report to governor.

489. <sup>20</sup>Authority of state superintendent of elections.

**§ 471. State superintendent of elections, chief deputy and assistants.** There shall be an officer to be known as "state superintendent of elections." The governor shall appoint such superintendent of elections by and with the advice and consent of the senate, who shall hold office for the full term of four years. Such term shall begin on the first day of January in every fourth year beginning with the year nineteen hundred and fifteen and shall expire on the thirty-first day of December. Vacancies shall be filled for the remainder of the unexpired term. Such superintendent may be removed from office in the same manner as a sheriff. He may appoint one chief deputy without nomination, a secretary and necessary clerks, stenographers and other employees, and remove them at pleasure. [*As amended by chap. 240, Laws of 1900, chap. 649, Laws of 1911, and chap. 678, Laws of 1915.*]

**§ 472. Powers of superintendent, clerks and deputies.** Such state superintendent of elections and the deputies appointed by him, shall possess and exercise all the powers vested in a sheriff, as a conservator of the peace, either by statute or common law. The chief deputy shall be placed in charge of the branch office in the city of New York. Any clerks, appointed by the state superintendent of elections pursuant to the provisions of this article, shall have power, when directed by the state superintendent of elections, to administer oaths and affirmations required by law or by any order, rule or regulation of

<sup>20</sup> New section added by chap. 891, Laws of 1911.

the state superintendent of elections, for or in connection with the appointment and qualification of deputy superintendents of elections appointed pursuant to the provisions of this article. [*As amended by chap. 649, Laws of 1911, and chap. 678, Laws of 1915.*]

**§ 474. Additional deputies.** The superintendent, whenever he deems it necessary, may appoint, in addition to the chief deputy, without nomination, and at pleasure remove, not more than two hundred and thirty-three other deputies, to be employed by him in enforcing the provisions of this article. [*As amended by chap. 649, Laws of 1911, and chap. 678, Laws of 1915.*]

**§ 475. Control and powers of deputies; refusal to furnish information.** All deputies appointed under this article shall be subject to the direction and control of the state superintendent and he may, subject to the next provision, assign them to any election district. He must, however, assign to duty in the city of New York seventy of the deputies receiving annual salaries and eighty-seven deputies receiving per diem compensation. The state superintendent shall make such rules for the control and conduct of his deputies as he may deem advisable, not in conflict with law.

Such deputies, when directed by the state superintendent, shall, on their own motion, or on complaint of any citizen of the state, may:

1. Investigate all questions relating to registration of voters, and for that purpose shall have power to visit and inspect any house, dwelling, building, inn, lodging-house or hotel and interrogate any inmate, house-dweller, keeper, care-taker, owner, proprietor or landlord thereof or therein, as to any person or persons residing or claiming to reside therein or thereat.

2. Arrest any person without warrant who in his presence violates or attempts to violate any of the provisions of this chapter or the penal law relating to crimes against the elective franchise.

3. Execute warrants of arrest and take into custody the person or persons named in such process.

4. Inspect and copy any books, records, papers or documents relating to or affecting the election or the registration of voters.

5. Require every lodging-house keeper, landlord or proprietor to exhibit his register of lodgers therein at any time to such deputy.

Any person who neglects or refuses to furnish any information

required or authorized by this article, or to exhibit records, papers, or documents herein authorized to be inspected, or which are required to be exhibited, shall be guilty of a misdemeanor. [*As amended by chap. 649, Laws of 1911, and chap. 678, Laws of 1915.*]

**§ 476. Aid by private persons and public officers.**

The state superintendent, or any deputy, may call on any person to assist them in the performance of their duty; and they may also call on any public officer who by himself or his assistants, deputies or subordinates shall render such assistance as may be required. Any such person, public officer, deputy or subordinate who shall fail, on demand of the superintendent or any deputy, to render such aid and assistance in the performance of his duty as he shall demand, or who shall willfully hinder or delay, or attempt to hinder or delay such superintendent or deputy, in the performance of his duty, shall be guilty of a felony and shall upon conviction thereof be sentenced to imprisonment in a state prison for a period of not more than three years; and if a public officer, shall, in addition to such imprisonment, forfeit his office. A member of a uniformed police force and every sheriff, deputy sheriff and election officer shall, for the purpose of this article, be deemed a public officer. [*As amended by chap. 649, Laws of 1911, and chap. 678, Laws of 1915.*]

**§ 477. Subpoenas by state superintendent.** The state superintendent shall have power to issue subpoenas for the purpose of investigating any matter within his jurisdiction and of aiding him in enforcing the provisions of this article, such subpoenas to be issued in the name of the state superintendent. He may in proper cases issue subpoenas duces tecum. A subpoena issued by the state superintendent of elections may be served by the superintendent or by any deputy appointed by him or by any police or peace officer.

Any person who shall omit, neglect or refuse to obey a subpoena attested in the name of the state superintendent and made returnable at one of the offices or branch offices of the superintendent, or who shall refuse to testify under oath before him or his chief deputy, or other deputy duly designated by the superintendent pursuant to the provisions of this article, is guilty of a misdemeanor. [*As amended by chap. 649, Laws of 1911, and chap. 678, Laws of 1915.*]

**§ 478. Administration of oaths by superintendent and deputies.** The superintendent, his chief deputy and any of the deputies duly designated by the superintendent for that purpose, under his hand and seal of office, are hereby authorized and empowered to administer oaths and affirmations in the usual appropriate forms, to any person in any matter or proceedings authorized as aforesaid, and in all matters pertaining or relating to the elective franchise and to take and administer oaths and affirmations in the usual appropriate forms, in taking any affidavit or deposition which may be necessary or required by law or by any order, rule or regulations of the superintendent for or in connection with the official purposes, affairs, powers, duties or proceedings of said superintendent or deputies or any official purpose lawfully authorized by said superintendent.

Any person who shall make any false statement under oath before the state superintendent, his deputy, or other deputy authorized to take oaths, as herein provided, is guilty of a felony. [*As amended by chap. 649, Laws of 1911, and chap. 678, Laws of 1915.*]

**§ 479. Attendance and duties at polling places.** The state superintendent may attend at any election, and each deputy shall, on election day, attend the election at the polling place to which he is assigned. The state superintendent and each deputy shall be admitted at any time within any polling place and within the guard-rails thereof. It shall be the duty of the superintendent and of each deputy during the election to preserve order and arrest any person violating or attempting to violate this chapter or any provision of the penal law relating to the elective franchise. [*As amended by chap. 649, Laws of 1911, and chap. 678, Laws of 1915.*]

**§ 480. Reports by lodging-house and hotel keepers.** It shall be the duty of every landlord, proprietor, lessee or keeper of a lodging-house, inn or hotel, to keep a register in which shall be entered the name and residence, the date of arrival and departure of his guests and the room, rooms or bed occupied by them: This register shall be so arranged that there shall be a space on the same line in which each male guest or male lodger shall sign his name, and such landlord, proprietor, lessee or keeper shall make a sworn report upon a blank to be prepared and furnished by the state superintendent twenty-nine days before the election next ensuing to the said superintendent of elections,

which report shall contain a detailed description of the premises so used and occupied as a lodging-house, inn or hotel, including the size and character of building, and in case only part of a building is so used, a statement as to what part of said building is so used, and also if there be more than one building on the premises, which particular building is so used, and the names of the lodgers therein and all employees and all other persons living therein including the landlord, proprietor, lessee or keeper and members of his family, who claim a voting residence at or in such lodging-house, inn or hotel, together with the length of time they have been regularly lodging or living therein, the beginning of such residence, the color, age, height, weight, color of hair, marks on face or hands, the complexion and any distinguishing marks or features of face or body whereby such persons may be identified, the place of their nativity, the occupation and place of business of such persons and the room occupied by each such person, and whether such person is a guest, landlord, proprietor, lessee or keeper, and the signature of each such person. Above the space reserved for the signature of each such person shall be printed the following words "the foregoing statements are true." In the form of affidavit, which shall be sworn to by the landlord, proprietor, lessee or keeper of such lodging-house, inn or hotel, shall be included the statement that the signatures of the guests or lodges certified to in said report, were written in the presence of such landlord, proprietor, lessee or keeper, and that he personally knows them to be the persons therein described.

To the end that the sworn report herein required shall truly set forth the facts therein stated, it shall be the duty of the said landlord, proprietor, lessee or keeper to question each male person lodging or living in such lodging-house, inn or hotel as to his intention of claiming such place as a voting residence, and such person shall thereupon declare his intention thereof, and if he shall claim such place as his voting residence he shall give to such landlord, proprietor, lessee or keeper such facts regarding himself as are required to be incorporated in the sworn report herein provided for.

Any such landlord, proprietor, lessee or keeper or any lodger who shall violate this provision shall be deemed guilty of a misdemeanor. [*As amended by chap. 649, Laws of 1911, and chap. 678, Laws of 1915.*]

**§ 481. Affidavits by hotel keepers holding liquor licenses.** If any person, other than the keeper or members

of his family, shall claim a voting residence in a building or part of the building used as a hotel, within three months of a general election, in which building or part of the building the business of trafficking in liquors is conducted under a liquor tax certificate issued under subdivision one of section eight of the liquor tax law, the holder of such certificate shall furnish to the state superintendent of elections, whenever the superintendent shall require him so to do, an affidavit properly acknowledged and signed before a notary public, in which the holder of such certificate shall state whether he and such building have conformed to and at the time of making the affidavit do conform to all the requirements of the laws, ordinances, rules and regulations relating to hotels and hotel keepers, including all laws, ordinances, rules and regulations of the state or locality pertaining to the building, fire and health departments in relation to hotels and hotel keepers and that such building is or was within three months of the said election used as a hotel. If for any reason the said building or part of the building used as a hotel shall be devoted to other than hotel purposes within three months of said election the holder of such liquor tax certificate shall state in such affidavit for what purpose such building or part thereof formerly used for hotel purposes is then used, and, if the same has been sublet to any person, he shall so state, giving the terms of said lease, and the name of the lessee.

Any holder of a liquor tax certificate required to make such affidavit by the said superintendent who shall refuse, fail or neglect to make and file the same forthwith with the superintendent is guilty of a misdemeanor. Any holder of a liquor tax certificate who shall incorporate any false statement in any sworn report or affidavit to the superintendent of elections is guilty of perjury and in addition to suffering the penalty prescribed by law for such crime shall forfeit his liquor tax certificate and shall be deprived of all rights and privileges thereunder and of any right to a rebate of any portion of the tax paid thereon, and shall be debarred from trafficking in liquors for a period of five years from the date of his conviction. [*As amended by chap. 649, Laws of 1911, and chap. 678, Laws of 1915.*]

**§ 482. Filing such reports and affidavits.** Any report or affidavit required by the two preceding sections shall be acknowledged and sworn to before a notary public, commissioner of deeds, or justice of the peace, and shall be filed personally by such landlord, proprietor, lessee or keeper or by registered mail

with the said superintendent of elections at such office as he may designate. [*As amended by chap. 649, Laws of 1911, and chap. 678, Laws of 1915.*]

**§ 483. Reports by police and certain departments.**

Whenever the state superintendent of elections shall require, it shall be the duty of the chief of police and the respective heads of the departments of buildings, fire and health to forthwith make a report in writing to the superintendent of elections of every building or part of a building in such city in which the business of trafficking in liquors is conducted under a liquor tax certificate issued under subdivision one of section eight of the liquor tax law, showing the location thereof by street and number, election district and assembly district or ward, the character of such business, as declared by the holder of the certificate, specifying whether it be a hotel, restaurant, saloon, store, shop, booth or other place and the name of the holder of such certificate, and if the place be a hotel the report shall state whether or not the building and holder of the certificate conform to all the laws, ordinances, rules and regulations of the state or locality including the laws, ordinances, rules and regulations of the building, fire and health departments in relation to hotels and hotel keepers. [*As amended by chap. 649, Laws of 1911, and chap. 678, Laws of 1915.*]

**§ 484. List to be furnished if required by the superintendent of elections.** The superintendent of elections shall also have the right throughout the year whenever deemed necessary by him to require the owner or lessee of any hotel, or inn, containing less than fifty rooms and every lodging-house or dwelling to make to the superintendent within ten days after notification, a sworn report upon a blank to be prepared and furnished by said superintendent, which said report shall contain a list giving the name of every male person of twenty-one years of age and upwards, who resides in said hotel, inn, lodging-house and dwelling, together with the period that they have resided therein, and such other information as may be deemed necessary by said superintendent, and said superintendent shall have the power whenever deemed necessary by him to require said owner or said lessee in addition to notify said superintendent whenever any of said male persons shall within twenty-nine days before election leave said hotel, inn, lodging-house and dwelling. Said superintendent shall have the power to require said list to

be made by the owner if said owner is in possession. If said owner is not in possession said superintendent shall have the power to require said owner to furnish the name of the lessee and lessees of said building and said superintendent shall then have the power to require said list of said lessee and lessees. In the event that said building is occupied in part by said owner and in part by a lessee or lessees the said superintendent shall then have the power to compel the owner to furnish the said list for the part occupied by him, and the names of the lessee or lessees who lease the remaining part of said building, and said superintendent may require said lists from said lessee or lessees. In the event of the neglect of the owner or lessee to furnish said list when demanded by said superintendent of elections, said owner or lessee shall be guilty of a misdemeanor punishable by a fine of two hundred and fifty dollars, and in case of a second conviction shall be punishable by a fine of five hundred dollars and imprisonment. If the owner furnishes to said superintendent a list which states that a male person has resided in said premises for a longer period than he has actually resided therein, or if said person puts upon said list a name under which no person has resided any length of time in said premises, said owner shall be guilty of a felony and in addition liable to a penalty of one thousand dollars, which said penalty shall be a lien upon the house and the lot upon which the house is situated. If the lessee furnishes a false list then the said lessee shall be liable to a penalty of one thousand dollars, which said penalty, in addition to being satisfied out of any goods or chattels of the lessee, shall be a lien upon the leasehold, and shall entitle said leasehold to be sold to satisfy said penalty subject to the rights of the landlord. Every penalty imposed herein upon a house or leasehold shall be a lien upon the house and lot or leasehold in relation to which the penalty is imposed from the time of filing of a certified copy of the judgment in the office of the clerk of the county in which said house and lot or leasehold is situated, subject only to taxes, assessments, water rates and to such mortgages and mechanics' liens as may exist thereon prior to such filing, and it shall be the duty of the prosecuting officer upon the entry of said judgment to forthwith file the copy as aforesaid in the office of the clerk of the county and said copy upon said filing shall be forthwith indexed by the clerk in the index of mechanics' liens. A lis pendens may be filed in the office of the clerk of the county in which the realty or leasehold is situated at the time of the commencement of the

proceedings under this section. [*As amended by chap. 649, Laws of 1911, and chap. 678, Laws of 1915.*]

**§ 485. Card lists of registered electors.** The board of inspectors of each election district shall on each day of registration transfer to cards, to be provided for that purpose by the secretary of state, which cards shall be in form and style approved by the state superintendent of elections, a complete copy of the name of each person registered in their respective districts, together with all of the answers made and information given by the person registered, at the time of registration, and such cards, inclosed and sealed in a cover to be provided for that purpose by the secretary of state, shall be delivered personally or by mail forthwith by the chairman of the board of inspectors together with a statement on a blank form, to be furnished by the secretary of state after approval by the state superintendent of elections, that the cards delivered contain a correct copy of all the names registered and information given by the persons so registered, to the state superintendent of elections at one of his offices to be designated by him.

In cities of the first class the board of inspectors of each election district shall also on each day of registration transfer to the cards, to be provided for that purpose by the secretary of state, which cards shall be in form and style approved by the state superintendent of elections, a complete copy of the name of each person registered in their respective districts, together with all of the answers made and information given by the persons registered, at the time of registration and such other and further information as may be required by said card and such cards, inclosed and sealed in a cover to be provided for that purpose by the secretary of state, shall be delivered personally forthwith by the chairman of the board of inspectors together with a statement on a blank form, to be furnished by the secretary of state after approval by the state superintendent of elections, that the cards delivered contain a correct copy of all the names registered and information given as required by said card, to the police department of said city at such office as shall be designated by said police department. [*As amended by chap. 649, Laws of 1911, chap. 678, Laws of 1915, and chap. 537, Laws of 1916.*]

**§ 486. Challenge lists.** 1. The state superintendent of elections shall prepare for each election district in the city of New York a challenge list containing the names, alphabetically

arranged, and addresses of all persons who, by reason of death, removal, conviction or otherwise, have lost the right to register from the addresses within such election district from which they registered at the last preceding election. Such challenge lists shall be delivered to the respective boards of registry in such city at least one-half hour before the commencement of registration. It shall be the duty of the chairman of such respective boards of registry to challenge the registration of any person applying to them for registration under any name on said challenge lists, unless it shall affirmatively appear after strict examination of the voter, and, if necessary, others also, that such voter has become domiciled at a new address within the election district. Said challenge lists shall contain a column headed "remarks" and it shall be the duty of the chairman of the respective boards of registry to enter in said column opposite the names on said lists whether any person applying for registration under any name on said lists who was challenged was allowed to register and the reason for allowing him to register. If a person applies for registration under any name on said challenge lists who is challenged and does not register then there shall be entered opposite such name in the aforesaid column headed "remarks" the words "challenged but did not register." If no person applies for registration under any name on said challenge lists then there shall be entered opposite each such name in the aforesaid column headed "remarks" the words "no application." Any duly accredited watcher shall have the right to examine such challenge list. On each day of registration the chairman of the board of registry shall make the challenges and the entries in the column headed "remarks" as heretofore provided. At the close of the last day of registration said challenge lists shall be signed and certified as true by each member of such board of registry and returned to the state superintendent of elections in a sealed envelope provided therefor by the said state superintendent.

2. After the last day of registration and before election day in each year the state superintendent of elections also shall prepare for each election district in the city of New York a challenge list containing the names, alphabetically arranged, and addresses of all persons registered in such district during said last preceding period of registration whom he shall have reason to believe, from investigation or otherwise, not to be entitled to vote at said election. Such challenge lists shall be delivered to the respective boards of inspectors in such city at least one-half hour before the opening of the polls of each election. It shall be the duty of the

chairman of the respective boards of inspectors to challenge the vote of any person presenting himself to vote under any name on said challenge lists. Said challenge lists shall contain a column headed "remarks," and it shall be the duty of the chairman of the respective boards of inspectors to enter in said column opposite the names on said lists whether any person applying to vote under any name on said lists who was challenged was allowed to vote and the reason for allowing him to vote. If a person applies to vote under any name on said challenge lists who is challenged and does not vote, then there shall be entered opposite such name in the aforesaid column headed "remarks" the words "challenged but did not vote." If no person applies to vote under any name on said challenge lists then there shall be noted opposite each such name in the aforesaid column headed "remarks" the words "no application." At the close of the polls said challenge lists shall be signed and certified as true by each member of such board of inspectors and returned to the state superintendent of elections in a sealed envelope provided therefor by the said state superintendent.

3. The state superintendent of elections shall prepare duplicates of all challenge lists provided for in this section and he shall keep said duplicate challenge lists on file in his office from the time of their preparation until the close of the third general election following the preparation of said challenge lists. The aforesaid original challenge lists shall also be kept on file for two years after the general election following their preparation. [*As amended by chap. 649, Laws of 1911, and chap. 678, Laws of 1915.*]

**§ 487. Salaries and expenses.** The annual salary of the state superintendent of elections shall be five thousand dollars; of the chief deputy, four thousand dollars; of the secretary, two thousand dollars; of one chief stenographer, fifteen hundred dollars; of not more than thirteen of the deputies, of whom eight may be assigned to take charge of the branch offices, fifteen hundred dollars each; of not more than seventy of the deputies, one thousand dollars each; payable semi-monthly. All other deputies shall receive five dollars for each day's service, not exceeding forty days for any one election, to be paid on the certificate of the superintendent or chief deputy, which forty days shall be within a period beginning one week before the first day of registration and ending December thirty-first of such year. The salaries of the clerks and other stenographers shall be fixed by the

said superintendent. All salaries and other compensation provided by this section shall be paid by the state treasurer on the warrant of the comptroller.

The state superintendent may provide one main office, which shall be located in the city of Albany, and branch offices in his discretion, not to exceed eight in number, one of which shall be located in the city of New York and furnish them with needed furniture, stationery and supplies, and expend for such purpose and for disbursements and expenses in carrying out the provisions of this article, not exceeding forty thousand dollars each year, to be paid by the state treasurer on the audit and warrant of the comptroller. [*As amended by chap. 649, Laws of 1911, and chap. 678, Laws of 1915.*]

**§ 488. Report to governor.** The state superintendent of elections shall annually in the month of December file with the governor a report showing the names and residences of the persons appointed by him as deputies during the year, the number of days each has served, the compensation certified for each, the number of arrests made for violation of this chapter or the penal law, the names of the persons arrested, the nature of the offense charged, the disposition thereof, and any other facts in relation to the administration of his office which the state superintendent may deem proper or which may be required by the governor. [*As amended by chap. 649, Laws of 1911, and chap. 678, Laws of 1915.*]

**§ 489. Authority of state superintendent of elections.** The authority, powers and jurisdiction of the state superintendent of elections with respect to general elections, as defined by the provisions of this article, are hereby extended to primary elections, so far as such provisions may be applicable. [*Added by chap. 891, Laws of 1911, and amended by chap. 678, Laws of 1915.*]

**\*§ 44.** The terms of office of the present state superintendents of elections shall expire upon the appointment and qualification of a single superintendent of elections under the provisions of section four hundred and seventy-one of the election law as amended by this act. Upon the appointment and qualification of such superintendent of elections, he shall succeed to the powers and duties of such superintendents of elections except as modified

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\* So in original.

by this act and shall have the charge, custody and control of the offices, property, books, records, papers and documents pertaining to the powers and duties of such superintendents. After this act takes effect and until the appointment and qualification of such superintendent of elections, the present superintendents of elections shall have the powers and duties of the superintendent of elections as prescribed by the election law as amended by this act. This act shall not affect any matter pending under the election law at the time it takes effect or at the time of the appointment of a single superintendent of elections under section four hundred and seventy-one of such law as amended by this act, which pertain to the powers and duties of the present superintendents of elections, nor affect the running of time with respect to any proceeding provided for in the election law. Any such pending matter pertaining to the functions of the state superintendents of elections shall be continued and disposed of by the state superintendent of elections. [*Added by chap. 678, Laws of 1915.*]

## **<sup>1</sup>ARTICLE 15**

### **Soldiers' and Sailors' Elections**

- Section 500. Special polls in time of war.  
501. General register of absent voters.  
502. Poll books and oaths.  
503. Official war ballots.  
504. Official envelopes for war ballots.  
505. Delivery of official war ballots, poll books and envelopes.  
506. Lists of nominations.  
507. Polls of election.  
508. Opening of the polls.  
509. Organization of the polls.  
510. Conduct of elections.  
511. Count of the votes.  
512. Returns not to be rejected because of informality of election.  
513. Disposition of envelopes and ballots.  
514. Canvass by inspectors of election.  
515. Canvass by county board.  
516. Canvass by state board.  
517. Returns or statements not made and filed prior to certain dates in any year not to be canvassed.

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<sup>1</sup> Renumbered by chap. 800, Laws of 1913.

Section 518. Provisions of penal law relating to crimes against the elective franchise to apply.

519. Filling vacancies in the office of inspector of elections.

520. Elections may be contested.

521. General provisions concerning elections to apply.

522. Copies of this article to be published and distributed.

**§ 500. Special polls in time of war.** Whenever, in time of war, any qualified voter of this state shall be in the actual military service of this state or of the United States, in the army or navy thereof, and by reason thereof absent from his election district, such absent voter shall be entitled to vote as fully as if he were present at his place of residence in the manner hereinafter provided.

**§ 501. General register of absent voters.** It shall be the duty of the secretary of state to prepare and make a general register in which shall be entered in alphabetical order the names of the voters of this state absent from their respective election districts in time of war in the actual military service of this state or of the United States in the army or navy thereof. Such general register shall contain the name and residence of each such absent voter by street and number, if any, and the name of the county and city or town in which he resides, so far as the secretary of state can ascertain the same. It shall also contain the name or number or other designation of the regiment, company, troop, vessel or other command to which each such absent voter is attached or assigned, and the location of such command at the time of such entry, so far as he can ascertain the same.

In order to secure the necessary information to make and complete such general register, it shall be the duty of the secretary of state to prepare proper blanks and forward the same to the commanding officer of each command in which there are any such absent voters of this state, to be filled out with the necessary information, attested by him, and returned forthwith, securely sealed, to the secretary of state. Such general register shall be a public record and shall at all reasonable times be open for inspection by any voter of this state. It is hereby made the duty of every public officer, and of every citizen, to furnish to the secretary of state such information as he may possess relating to such absent voters; and any person who shall refuse so to do, or shall wilfully furnish false information in reference to such

absent voters, shall be deemed guilty of a felony and shall, upon conviction thereof, be punished by imprisonment in a state prison for not less than one year nor more than three years.

**§ 502. Poll books and oaths.** It shall be the duty of the secretary of state to cause to be prepared and printed in book form a sufficient number of poll books, at least two books for each poll, for the use of the inspectors of elections at the polls of the elections held under the provisions of this article. Such poll books shall be in the general form of those prescribed for use at elections in this state, omitting all columns except those for the number, name and residence of each voter, and so arranged that there can be entered therein, in addition to such entries, in separate columns, the name of the county and city or town in which the persons voting at such poll reside or claim to reside, and also the designation of the particular command to which each such person is attached or of which he forms a part. Upon the first page of each such poll book shall be printed the date and character of the election for which it is prepared, and blank spaces in which shall be written by the inspectors the place at which the poll was held, and the names and residences of the persons acting as inspectors of election thereat. Upon the page following the last page of each such poll book used for recording the names of voters at such poll, shall be printed a blank certificate, to be signed by the inspectors of election at the close of the polls. Such certificate shall be substantially in the following form:

"We, the inspectors of election for the general (or special) election held at (here follows the name of the place) on the .....day of.....19..., do hereby certify that the names of the persons recorded herein as having voted at such election, such persons numbering in all (here follows the number in figures and words), are all the persons who appeared before us and demanded to vote at such election, and took the oath required, and who voted at such election.

.....  
 .....  
 .....  
 .....

Inspectors of Election."

Such poll books shall also contain the oaths for the inspectors of election provided in section five hundred and nine of this article.

**§ 503. Official war ballots.** It shall be the duty of the secretary of state to cause to be prepared and printed at least twice as many official ballots in the form hereinafter prescribed as there are voters absent from their respective election districts as shown by such general register. Each such official ballot shall be six inches wide and of such length as to allow one-quarter of an inch for the title of each office printed upon the face thereof and one-half inch for the name of each candidate for such office as the voter may lawfully vote for and one-half inch for the title of each class of offices. Each class of offices shall be separated by a solid black line one-eighth of an inch wide running across such ballot. All such ballots shall be uniform in size and style of type used and shall contain the titles of all offices, as near as may be, for which any voter may vote in any election district of the state at such election. The type and paper for such ballots shall conform generally to that used for the official ballots prescribed by this chapter. Such ballot shall be printed in substantially the following form:

**“ STATE OFFICES.**

For Governor.

For Lieutenant-Governor.

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**JUDICIAL OFFICES.**

For Associate Judge of the Court of Appeals.

For Justice of the Supreme Court for.....Judicial District.

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**LEGISLATIVE OFFICES.**

For Representative in Congress for.....Congressional District.

For State Senator for.....Senate District.

For Member of Assembly for.....District of.....County.

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**COUNTY OFFICES.**

For Sheriff of.....County.

For District Attorney of.....County.

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**CITY OFFICES.**

For Mayor of the City of .....

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**WARD OR TOWN OFFICERS.**

For Supervisor of ..... Ward or Town of .....

For Justice of the Peace, Town of .....

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## ELECTION DISTRICT OFFICES.

For Inspectors of Election for... Election District, Town of..."

Upon the back of each such ballot shall be printed the words:

## "OFFICIAL WAR BALLOT

For the general (or special) election, held November .....,  
19....."

**§ 504. Official envelopes for war ballots.** He shall also cause to be prepared and printed at least twice as many official envelopes as there are voters absent from their election districts, as shown by such general register. Such envelopes shall be gummed, ready for sealing. Upon one side of such envelope shall be printed in substantially the following form the following:

## "OFFICIAL WAR BALLOT

FOR

GENERAL ELECTION, NOVEMBER....., 19..

Name of voter.....

Residence (street and number, if any).....

County of .....

City or Town of .....

.....  
Secretary of State."

Upon the other side of such envelope shall be printed the following oath:

## "OATH OF ELECTOR.

"I do swear (or affirm) that I have been a citizen of the United States for ninety days and am now of the age of at least twenty-one years, or will be on the.....day of....., 19..; that I will have been an inhabitant of the state of New York for one year next preceding this election and for the four months preceding such election a resident of the county of ....., and am a qualified voter, residing at (street and number, if any) ....., in the (city or town of) .....; that I am in the actual military (or naval) service of the state of New York or of the United States, and at present attached to ..... (here state the particular command to which attached); and that I have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid or used, any money or other valuable thing, as a compensation or reward for the giving or with-

holding of a vote at this election, and have not made any promise to influence the giving or \*withholding of any such vote; and that I have not made or become directly or indirectly interested in any bet or wager depending upon the result of this election; and that I have not been convicted of bribery or any infamous crime, or, if so convicted, that I have been pardoned and restored to all the rights of a citizen."

If at such election any proposed amendment to the constitution or other proposition or question is to be submitted to the vote of the voters of the state, the secretary of state shall furnish an equal number of ballots for questions so submitted in the form prescribed by section three hundred and thirty-two of this chapter, which shall be properly indorsed, as a war ballot.

**§ 505. Delivery of official war ballots, poll books and envelopes.** The secretary of state shall cause to be delivered to the commanding officer of every command in which ten or more voters of this state are included, absent from their respective election districts in time of war in the actual military service of this state or the United States in the army or navy thereof, a sufficient number of official war ballots of each kind and official envelopes, at least twice as many as there are such voters in such command; and two poll books for the use of such voters at each poll of each election held under the provisions of this article. Such official war ballots, poll books and envelopes shall be delivered in time for use at the election for which they are prepared, in such manner and by such means as shall in the judgment of the secretary of state be best suited to secure their safe and timely delivery for the use of the voters at the election for which they have been prepared.

**§ 506. Lists of nominations.** It shall be the duty of each county clerk or board with whom or which certificates of nominations to public office are filed to cause a certified list of such nominations to be forthwith forwarded by mail to the secretary of state, including the name and residence of each nominee together with the title of the office for which he is nominated and the party or other political name specified in such certificates of nomination. It shall be the duty of the secretary of state after the receipt by him of such certified lists of nominations to communicate so far as practicable, to each commanding officer of any com-

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\* So in original.

mand having therein ten or more voters of this state absent from their respective election districts in time of war, in the actual military service of this state or the United States in the army or navy thereof, the name and residence of each person named in any certificate of nomination so certified by a county clerk or filed in the office of the secretary of state, together with the title of the office for which he is nominated and the party or other political name specified in such certificates of nominations; and upon receipt thereof each such commanding officer shall cause such information to be posted in a conspicuous place for the information of such absent voters in his command.

**§ 507. Polls of election.** Polls of an election held under the provisions of this article shall be opened on the day of such election at the quarters of the captain or other commanding officer of any company, troop or other command in the military service of this state or of the United States in the army or navy thereof, if the same be composed in whole or in part of voters of this state. All qualified voters of this state in such command may vote at such poll. Officers and enlisted men, voters of this state, attached to or forming part of a command having therein less than ten such voters, or detached by military order and absent from their command, may vote at such other poll as may be most convenient for them.

**§ 508. Opening of the polls.** Any election held under the provisions of this article shall be held upon the day of the general or special election in this state, or on any secular day within twenty days next prior thereto, such prior day to be fixed by the commanding officer of any command where the poll or polls for such election shall be held, by proclamation duly made; provided, however, that if by reason of the exigencies of war such election can not be held in any of the polls herein provided on the day so fixed, such election may be held on the next day practicable thereafter upon like proclamation of the commanding officer of any such command; but such election shall not be held later than the day of such general or special election. Such polls shall be opened at such hour of the day as shall be most convenient for such voters and shall remain open not less than three hours and as much longer as shall, in the opinion of the inspectors of election serving at such polls, be necessary in order to receive the votes of all voters of this state entitled to vote at such polls; but

no polls shall be kept open later than sunset of the day on which such election shall be held.

The inspectors shall at the opening of such polls make public proclamation of the opening thereof and the time at which such polls shall be closed, and as near as may be, at one hour before the closing of the polls, public proclamation shall again be made by the inspectors that the polls will be closed at a time certain then proclaimed, which shall be the hour announced in the proclamation made at the opening of the polls. The polls shall not for any reason be kept open after the hour fixed by the first proclamation.

**§ 509. Organization of the polls.** At the hour and place herein provided for the opening of the polls, the qualified voters of the state then present shall, by viva voce vote, select four of their own number to act at such election as the inspectors of election thereof. Such inspectors shall, so far as possible, be so selected that they shall equally represent the two political parties of this state which at the last preceding election in this state polled the highest and next highest number of votes respectively. Such inspectors, when so elected, shall choose one of their number as chairman of the board of inspectors by election or by drawing lots. Such chairman shall then administer the oath of office to the other inspectors and one of the other inspectors shall then administer the same to the chairman. The oath to be administered shall be as follows:

"I do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of the state of New York, and that I will faithfully discharge the duties of the office of inspector of election according to the best of my ability."

Such oath or affirmation shall be written or printed, or partly written and partly printed, and attached to or entered upon the poll books used at such election, and subscribed by the person taking the same, and certified by the person administering the same.

Immediately upon the organization of such board of inspectors the commanding officers to whom shall have been delivered any official war ballots, poll books and envelopes shall deliver the same to the inspectors of election of such election and shall take a receipt therefor, which receipt shall be forwarded by mail by such commanding officer to the secretary of state. The said inspectors shall produce and have at the polls, before any votes are taken by them, a box for the reception of the ballots to be voted at such election. Before proceeding to take any votes they shall open said box and publicly exhibit the inside thereof, and the same shall be entirely

empty. They shall then close and securely fasten the same and the said box shall not be opened again until the close of the polls at such election. Each such box shall have an opening in the top thereof for the reception of voted ballots.

The chairman of the board of inspectors shall have charge of the ballot box during the election and shall receive from the qualified voters their envelopes containing ballots and shall deposit them in the ballot box. He shall designate two other inspectors, of opposite political faith, if possible, to keep the poll books of such election. The remaining inspector shall have charge of the official ballots and envelopes and shall deliver the same to the qualified voters entitled to vote at such election.

**§ 510. Conduct of elections.** The election shall be by ballot. Before any person shall receive an official ballot or be permitted to vote, he shall make and subscribe the oath printed upon the official envelope, as provided by this article, and any member of said board of inspectors is hereby authorized to administer and attest such oath. If any voter shall refuse to take the oath so tendered he shall not be allowed to vote; but if he shall take the oath tendered him his vote shall be accepted. Upon taking the oath required, the voter shall give to the inspectors keeping the poll books, who shall each enter upon the poll book kept by him, his name and residence by street and number, if any, county and city or town. He shall also give such other information as is required to be entered in such poll book. When such voter gives such information to such inspectors, the inspector having \*charges of the ballots and envelopes shall write in the proper blank spaces upon such official envelope the name and residence by street and number, if any, of such voter, and the county, and the city or town in which he claims to reside, and shall deliver such ballot or ballots and such envelope, to such voter. Such voter shall then retire to some convenient place and shall prepare his ballots and envelope for voting.

The voter may write or paste upon his ballot the name of any person for whom he \*desires to vote for any \*office for which such voter may lawfully vote at such election. Any such voter may paste upon such ballot a printed ballot of his own selection or preparation, to be known as a paster ballot, containing the titles of all the offices to be filled and the names of the candidates therefor for whom he desires and is entitled to vote at such election. Such paster ballot may be gummed and the voter may paste

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\* So in original.

the whole or any part of such paster ballot upon the official ballot. Any name so written or pasted upon the official ballot shall be deemed the choice of the voter. All pasters shall be of white paper and printed in type uniform with that required to be used upon the official ballot and printed in plain black ink. A paster shall be so attached to the ballot that when the ballot is folded no printed portion of such paster shall be visible.

After preparing his ballot and before delivering the same to the chairman of the board of inspectors, the voter shall fold his ballot in such a way that the contents of the ballot shall be concealed and inclose the same in such envelope which he shall securely seal. He shall then deliver such envelope to the chairman of the board of inspectors; but before such envelope shall be deposited in the ballot box the chairman shall declare from such envelope the name of such voter and his residence by street and number, if any, county and city or town, and if such voter is entitled to vote and such envelope is securely sealed and his name and the other matter hereby required is recorded upon the poll books, the inspector keeping such poll books shall announce the same as correct and shall record such voter as voting. The chairman shall thereupon deposit such envelope containing such ballot or ballots in the ballot box. Any voter so having voted, shall not again be entitled to vote at such election, though present on election day in the election district where he resides.

If, for any cause, the official ballots, poll books and envelopes shall not be provided as required by law at any polling place, upon the opening of the polls for any election thereat, or if the supply of official ballots or envelopes shall be exhausted before the polls are closed, unofficial ballots, poll books and envelopes printed or written, made as nearly as practicable in the form of the official ballot, poll books and envelopes may be used.

**§ 511. Count of the votes.** As soon as the polls of an election are closed, the inspectors of election thereat shall publicly destroy all official envelopes and ballots not voted; and shall then publicly open such ballot boxes and count and ascertain the number of voters voting and not adjourn or postpone the count until it shall be fully completed. The board of inspectors shall commence the count by comparing the two poll books used at such election, correcting any mistakes therein, and by counting the envelopes containing ballots found in the ballot boxes without opening them, and by comparing the envelopes con-

taining ballots found in such box with the number shown by the poll books to have been deposited therein. The inspectors shall number each voter whose name is recorded in such poll books as having voted beginning with the first name entered therein and numbering the same in consecutive order and shall fill out and sign the certificate required to be made by them as to the whole number voting at such election. If the envelopes containing ballots found in such box shall be more than the number of such envelopes so shown by the poll books to have been deposited therein, the inspectors shall compare the names upon such envelopes with the names recorded in such poll books and all such envelopes so found in said ballot box purporting to have been deposited therein by a voter whose name is not duly entered in such poll books as herein provided, shall with their contents be immediately destroyed, without opening the same; and if more than one such envelope shall be found in said ballot box purporting to have been deposited therein by the same voter, then all such envelopes and their contents purporting to have been deposited in such ballot box by such voter shall be destroyed. No such envelope that has not the official indorsement as herein provided shall be counted.

At the completion of the count the inspectors shall certify the correctness of the same upon the poll books and shall publicly announce the result of such count. The inspectors shall thereupon inclose all such envelopes containing ballots without opening the same, in a sealed package with one of said poll books, and shall direct them to the secretary of state, at Albany, New York, and shall forward the same by mail or express to him as soon as possible after such election. The other of such poll books shall be sealed in an envelope directed to the governor of the state of New York, at Albany, New York, and shall be forwarded forthwith to him by mail or express, but by different hands, if possible, from those carrying such envelopes containing ballots and such poll books, so directed to be forwarded to the secretary of state, receipts therefor, respectively, being taken by the chairman of the board of inspectors.

**§ 512. Returns not to be rejected because of informality of election.** No mere informality in the manner of carrying out or executing the provisions of this article shall invalidate the election held under the same or authorize the rejection of the returns thereof; and the provisions of this article shall be liberally construed for the purposes herein expressed or intended.

**§ 513. Disposition of envelopes and ballots.** Upon the receipt by the governor of the poll books of the votes cast at any such election, he shall deliver the same to the secretary of state. The secretary of state shall upon receipt of the packages notify the chairman or any member of the state committees of the parties which at the last election for governor cast the highest and the next highest number of votes for such office, that at a day and hour named therein at his office he will open the packages and compare the poll books with the envelopes containing ballots received by him and with the poll books, if any, received from the governor. Such notice shall be served personally or by mail directed to the last known place of residence of such person. He shall forthwith prepare from said poll books and envelopes a separate statement for each county under his official seal in which shall appear all the information hereby required to be entered in such poll books, concerning the voters resident in such county. He shall affix his seal of office to each such envelope and shall transmit such statement with all the envelopes containing ballots of such voters resident in such county, to the clerk of each such county, except that in any county within the city of New York such statement and envelopes shall be transmitted to the board of elections, or such other persons or board as may hereafter be lawfully constituted to receive election returns, taking his or their receipt for such statement and the number of such envelopes.

Such county clerk, or in the counties within the city of New York the board of elections or other person or body lawfully constituted to receive election returns, shall forthwith give written notice of such receipt by them, to the board of inspectors of election of each district to which such statements and envelopes respectively relate, by inclosing such notice in a properly sealed wrapper addressed to the chairman of such board at his post-office address and by prepaying the postage thereon. Each county clerk and said board of elections, said person or other body lawfully constituted to receive election returns, after the receipt of such statement and envelopes, shall notify the chairman or any member of the county committees of the parties which at the last election for governor cast the highest and next highest number of votes for such office in the state, that at a day and hour named therein at his or their office he or they will open the packages containing such statement and envelopes. Such notice shall be served personally or by mail directed to the last known place of residence of such person.

It shall be the duty of such county clerk and said board of elections or said other person or body lawfully constituted to receive election returns, to prepare a statement in like form for each election district in said county in which any such voter shall reside, and to transmit or deliver such statement with the envelopes containing ballots of voters resident in such election district to one of the inspectors of election of said district, taking his receipt therefor, on the day before the board of inspectors of election of said district shall convene for the purpose of canvassing such votes, as herein provided, who shall deliver the same to such board. All statements provided by this article shall be public records.

The inspectors in any election district wherein any such ballots are to be canvassed, shall convene at the place where the election was held, on the sixth Tuesday after the election day at ten o'clock in the forenoon to canvass such votes. It shall be the duty of each board of inspectors of election immediately upon their convening as herein provided to open said polls; and the chairman thereof or, in his absence, such other member as shall be chosen to act as chairman, as provided by law, shall publicly read aloud the indorsement contained upon each such envelope, and if such voter shall be a qualified voter in such election district, the chairman or acting chairman shall then carefully open said envelope and without unfolding or inspecting the contents of such ballot or ballots, shall deposit the same in the ballot box or boxes provided therefor. If any such envelope shall contain more than one ballot for the same officers, amendment or question, all ballots therein shall be rejected. Said inspectors shall file all such envelopes with their return in the office of the county clerk of the county where the said election district is situated. If upon investigation made before the deposit of said ballot it shall be determined that such voter is not a qualified voter in said election district, his said ballot or ballots shall be destroyed without unfolding or inspecting the same, and the said envelope shall be filed as above provided.

**§ 514. Canvass by inspectors of election.** After all such ballots shall have been cast, said inspectors of election shall immediately proceed to canvass the same, and make a statement and return thereof as provided by law, and forthwith forward the same to the county clerk, by one of their number.

**§ 515. Canvass by county board.** The county board of canvassers or such other board as performs like duties, shall con-

vene on the seventh Thursday after the election day, at their usual place of meeting, at one o'clock in the afternoon for the purpose of canvassing such statements and returns.

At such meeting of the county or other canvassing board the said board shall proceed to canvass such statements and returns of the respective election district boards of inspectors and shall from such statements and returns, together with the statements and returns theretofore made of such election, make new and separate statements of the votes cast in such county or any part thereof, and shall complete their canvass and make the statements provided for by section four hundred and thirty-seven of this chapter, and they shall not, until such meeting, determine the result of the election, anything now provided by law to the contrary notwithstanding. But nothing herein shall prevent any county board of canvassers from proceeding as provided by this chapter except as to such final determination. Such meeting or meetings of the board of county canvassers shall be deemed a continuation of its regular session.

**§ 516. Canvass by state board.** If any such new statements shall be made by a county board after the time fixed by law for the canvass of the regular statements of the county boards by the state board of canvassers, the state board of canvassers shall convene upon notice by the secretary of state and shall proceed to canvass such new statements of a county board, and their original canvass, if any, shall be corrected accordingly; and the state board of canvassers shall cause a determination of such result to be made in accordance with such new statements. And they shall not, until such meeting, determine the result of the election, anything now provided by law to the contrary notwithstanding.

**§ 517. Returns or statements not made and filed prior to certain dates in any year not to be canvassed.** No statement, as provided by this article, which shall not have been duly made and filed by a county board of canvassers prior to the twenty-ninth day of December next succeeding such election in any year, shall be canvassed or affect the result of such an election; and no return or statement not received by a county board of canvassers at their meeting herein provided for, shall be thereafter canvassed, or affect the result of such election.

**§ 518. Provisions of penal law relating to crimes against the elective franchise to apply.** All the provisions of the penal law relating to crimes against the elective franchise shall be deemed to apply to all elections held under the provisions of this article, and any person who shall violate any such provisions may be indicted at any time in any county of this state and may be fined or imprisoned or both so fined and imprisoned upon conviction thereof whenever found in this state. [*As amended by § 26, chap. 240, Laws of 1909.*]

**§ 519. Filling vacancies in the office of inspector of elections.** It shall be lawful for a majority of the inspectors of election provided for by this article to execute all the trusts and duties required to be executed by the inspectors herein provided for. And if for any cause, after the inspectors of election hereinbefore provided for shall have been chosen, any of the said inspectors shall permanently absent himself from the place of holding such election, or shall for any cause be obliged permanently to leave the place of holding such election, the remaining inspectors, or on their default the voters present, may fill such vacancy, preserving, if possible, the bipartisanship of such board; and any person so appointed to fill such vacancy shall take the oath of office and shall thereupon continue with the other inspectors to perform the duties of such office at such election to the end thereof.

**§ 520. Elections may be contested.** All elections held under this article shall be subject to contest and inquiry in the same manner as elections held within this state. The sealed packages of voted ballots shall be held inviolate in the office in which they are filed, subject to the order of a court of competent jurisdiction and may upon such order of such court be opened and canvassed.

**§ 521. General provisions concerning elections to apply.** The several officers or persons authorized by the provisions of this article to conduct the elections held by virtue hereof shall have the like powers, and they, as well as other persons who may be candidates for office at such election, or who may attend such election, or may vote or offer to vote at such election, shall be subject to the like penalties and restrictions as are declared and provided by law in case of elections within this state,

and all provisions of this chapter, as far as applicable and not inconsistent with the provisions of this article, shall apply to elections held under this article.

**§ 522. Copies of this article to be published and distributed.** The secretary of state shall whenever necessary cause this article to be published in pamphlet form, properly indexed, and shall cause the same to be, as generally as may be, circulated among the voters of this state absent from their respective election districts in time of war in the actual military service of this state or of the United States, in the army or navy thereof.

The secretary of state shall also provide in addition to the necessary official ballots, poll books and envelopes, such other blank forms, envelopes, instructions to voters, and other stationery for use at each poll of any election held under this article, as may be necessary for the proper conduct of such election, and shall transmit them to the proper place and to the proper persons in ample time for their safe delivery and use at such election. He may order or purchase any of the printing and supplies required by this article wherever he deems it desirable for the best interests of the state. He shall also provide for the return of such poll books, envelopes and ballots of such election to him, at the expense of this state.

## **<sup>1</sup>ARTICLE 16**

### **Corrupt Practices**

Section 540. Political committee defined.

541. Statement of campaign payments not made through political committee.

542. Personal expenses defined.

543. Treasurer of political committee.

544. Accounting to treasurer or candidate.

545. Vouchers.

546. Statement of campaign receipts and payments.

547. Campaign contributions to be under true name of contributor.

548. Filing and preserving statements.

549. Secretary of state to provide forms.

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<sup>1</sup> Renumbered by chap. 800, Laws of 1913.

**Section 550. Contempt proceedings upon default in filing statement.**

551. Who may maintain proceedings.

552. Undertaking for costs.

553. Time within which proceedings must be brought.

554. Proceedings to be summary.

555. Preference over other causes.

556. Appeals.

557. Subpœnas.

558. Personal privilege of witnesses.

559. Conduct of hearing.

560. Judgment and penalty.

561. Application of article limited.

562. <sup>21</sup>Party funds not to be expended for primary purposes.

**§ 540. Political committee defined.** The term "political committee," under the provisions of this article, shall apply to every committee or combination of three or more persons co-operating to aid or to promote the success or defeat of a political party or principle, or of any proposition submitted to vote at a public election or to aid or take part in the election or defeat of a candidate for public office; or to aid or take part in the election or defeat of a candidate for nomination at a primary election or convention, including all proceedings prior to such primary election, or of a candidate for any office whether public or not to be voted for at a primary election; or to aid or defeat the nomination by petition of a candidate under the primary election law; but nothing in this article contained shall apply to or in respect of any committee or organization for the discussion or advancement of political questions or principles without connection with any election. [*As amended by chap. 429, Laws of 1910.*]

**§ 541. Statement of campaign payments not made through political committee.** Any person, including a candidate, who to promote the success or defeat of a political party, or to aid or influence the election or defeat of a candidate or candidates for public office; or to aid or influence the election or defeat of a candidate for nomination at a primary election or convention, including all proceedings prior to such primary elec-

<sup>21</sup> New section added by chap. 891, Laws of 1911.

tion, or of a candidate for any office whether public or not to be voted for at a primary election, or to aid, influence or prevent the nomination of a candidate by petition under the provisions of the primary election law, directly or indirectly, himself or through another person, shall give, pay, expend or contribute, or shall promise to give, pay, expend or contribute, any money or other valuable thing except to the chairman, treasurer or a member of a political committee, or to an agent duly authorized thereto in writing by such committee, or to a candidate or an agent of such candidate authorized by the candidate thereto in writing, or except for personal expenses as hereinafter provided, shall file the statement required by section five hundred and forty-six, and shall be subject to all the duties by this chapter required of a political committee or the treasurer thereof. [*As amended by chap. 429, Laws of 1910.*]

**§ 542. Personal expenses defined.** A candidate for election to a public office, or to any office whether public or not to be voted for at a primary election; or for nomination at a primary election or convention; or for nomination by petition under the provisions of the election law, and any other person, may incur and pay, in connection with such election, his own personal expenses for traveling and for purposes properly incidental to traveling; for writing, printing and preparing for transmission any letter, circular or other publication not issued at regular intervals, whereby he may state his position or views upon public or other questions; for stationery and postage; for telegraph, telephone and other public messenger service; but all such expenses shall be limited to those which are directly incurred and paid by him. A candidate shall in any event file a statement of any contributions made by him. [*As amended by chap. 429, Laws of 1910.*]

**§ 543. Treasurer of political committee.** Every political committee shall have a treasurer, and shall cause him to keep detailed accounts of all money or its equivalent, received by or promised to, and of all expenditures, disbursements and promises of payment or disbursement made by the committee or any of its officers or members or by any person acting under its authority or in its behalf. No member thereof or other person acting under its authority or in its behalf shall receive any money or its equivalent, or expend or disburse the same until the committee shall have chosen a treasurer. There shall be

filed in the office of the secretary of state within five days after the choice of a treasurer a statement signed by at least three members of such committee giving the name and address of the treasurer chosen.

**§ 544. Accounting to treasurer or candidate.** Whoever, acting as an officer or member or under the authority of a political committee, or under the authority of a candidate for public office; or for any office whether public or not to be voted for at a primary election; or for nomination at a primary election or convention; or for nomination by petition under the provisions of the election law, receives any money or its equivalent, or promise of the same, or expends or incurs any liability to pay the same, shall, within three days after demand, and in any event within fourteen days after such receipt, expenditure, promise or liability, give to the treasurer of such committee, or to such candidate if an agent authorized by him, a detailed account of the same, with all vouchers required by this article, which shall be a part of the accounts and files of such treasurer or such candidate. [*As amended by chap. 429, Laws of 1910.*]

**§ 545. Vouchers.** Every payment required to be accounted for shall, unless the total expense payable to any one person be not in excess of five dollars, be vouched for by a receipted bill stating the particulars of expense, and every voucher, receipt or account hereby required, shall be preserved for fifteen months after the election to which it relates.

**§ 546. Statement of campaign receipts and payments.** The treasurer of every political committee which, or any officer, member or agent of which, in connection with any election receives, expends or disburses any money or its equivalent or incurs any liability to pay money or its equivalent shall, within twenty days after such election, file a statement setting forth all the receipts, expenditures, disbursements and liabilities of the committee, and of every officer, member and other person in its behalf. In each case it shall include the amount received, the name of the person or committee from whom received, the date of its receipt, the amount of every expenditure or disbursement, the name of the person or committee to whom it was made, and the date thereof; and unless such expenditure or disbursement shall have been made to another political committee, it shall state clearly the purpose of such expenditure or disbursement. Ex-

penditures and disbursements in sums under five dollars need not be specifically accounted for by separate items, except in the case of payments made for account of or to political workers, watchers or messengers. The statement to be filed by a candidate or other person not a treasurer shall be in like form as that hereinbefore provided for, but in statements filed by a candidate there shall also be included all contributions made by him. [*As amended by chap. 429, Laws of 1910.*]

**§ 547. Campaign contributions to be under true name of contributor.** No person shall in any name except his own directly or indirectly, himself or through another person, make a payment or a promise of payment to a political committee or to any officer or member thereof, or to any person or persons acting under its authority or in its behalf, nor shall any such committee or any such person or persons knowingly receive a payment or promise of payment, or enter or cause the same to be entered in the accounts or records of such committee, in any name other than that of the person or persons by whom it is made.

**§ 548. Filing and preserving statements.** All statements required by this article shall be filed with the secretary of state, except in those cases where a candidate is required to file a statement elsewhere by section seven hundred and seventy-six of the penal law, and all statements, vouchers, receipts and accounts required by this article shall be preserved for fifteen months after the elections to which they relate and shall be open to public inspection. [*As amended by chap. 438, Laws of 1910.*]

**§ 549. Secretary of state to provide forms.** The secretary of state shall provide blank forms suitable for the statements above required.

**§ 550. Contempt proceedings upon default in filing statement.** If any person or persons or committee or committees fails to file a statement or account as above required, or if any person or committee files a statement which does not conform to the foregoing requirements in respect to its truth, sufficiency in detail, or otherwise, or if any person or committee has failed to comply with any other of the requirements or provisions of this article, the supreme court or any justice thereof, may compel by order in proceedings for contempt, such person or committee to file a sufficient statement or account, or otherwise comply with the provisions of this article. The applicant for an

order, as prescribed in this article, must present to the supreme court, or a justice thereof, a written petition, setting forth, upon information and belief, stating the grounds and sources thereof, or upon the personal knowledge of such applicant or applicants, any failure or failures to comply with the provisions of this article, the facts showing such failure or failures, and the names of the person or persons, or committee or committees, charged with such failure or failures. Except when made by the attorney-general, such petition shall be verified in like manner as a verified complaint in an action brought in the supreme court.

**§ 551. Who may maintain proceedings.** Application for an order as prescribed herein may be made by the attorney-general, district attorney, a candidate voted for at the election in respect to which the allegations in such petition may relate, or by any five qualified voters who voted at such election.

**§ 552. Undertaking for costs.** At the time of presenting the petition, the petitioner shall file with such court or justice thereof, an undertaking in a sum to be determined and with sureties to be approved by the court or justice thereof, conditioned to pay such costs and disbursements in such proceeding as shall be adjudged against him, as hereinafter provided, not exceeding the sum fixed in said undertaking. Upon the presentation of such petition and the giving of the security provided for in the foregoing section, the court or justice thereof shall forthwith issue an order, a copy of which order and petition shall be served personally upon the person or persons named in such petition or left at his or their last known place of residence not less than seventy-two hours prior to the return day thereof, and directing them to appear and show cause at a day certain within ten days after the issue of the order, why such person or persons should not file a statement of election expenses, or amend the statement already filed, and to furnish the court or justice thereof such further information as the court may require on the subject. Copies of such order shall be served on the attorney-general of the state and on the district attorney of the county wherein such statement is required to be filed.

**§ 553. Time within which proceedings must be brought.** Such petition shall be presented within fifty days after any election in respect to which the allegations of such petition shall relate if the statement mentioned therein was filed within the twenty days as herein required; but if the

statement shall not have been filed within said twenty days, such petition may be presented at any time not more than sixty days after the filing of the statement. The said petition and order to show cause shall be filed, and any order or judgment made in the proceeding based thereon shall be entered in the office of the clerk of the county in which such election was held, if held wholly within a county, or otherwise in such other office as the court, or a justice thereof, shall direct.

**§ 554. Proceedings to be summary.** Upon the return of the order to show cause provided for in section five hundred and fifty-two, the court, or justice, shall immediately, and in such manner as the court or justice shall direct, and without respect to any technical requirement, inquire into the facts and circumstances and into such violations of, or failure to comply with, the provisions of this article, as may be alleged in any such petition, or into such other facts and circumstances relative to any such election or to any contribution or expenditure made in connection therewith, which at any time, whether before or during the continuance of such inquest, the court or justice holding such inquest shall deem necessary to secure compliance with the provisions of this article or to punish for a violation thereof. Such other persons as the court, or justice, shall deem necessary or proper to join or bring in as parties to the said proceeding in order to make its order, judgment or writs effective, may be joined as parties in such manner and upon such notice as said court or justice shall direct.

**§ 555. Preference over other causes.** The proceedings upon, and the investigation of, the charges set forth in said petition, shall take precedence and be preferred over all other actions or proceedings by or before said court, or justice thereof, and in case of appeals, in the appellate division and in the court of appeals.

**§ 556. Appeals.** Appeals may be taken to the appellate division of the supreme court, and to the court of appeals, from the orders herein provided for, in the same manner that appeals are taken from orders of the special term of the supreme court, and such appeals shall be considered by such appellate courts as appeals from orders.

**§ 557. Subpoenas.** Any court or justice holding such inquest may issue subpoenas for witnesses, who shall be allowed

the same fees, whose attendance may be enforced in the same manner, and who shall be subject to the same penalties, as if served with a subpoena in behalf of the state in a criminal prosecution in such court.

**§ 558. Personal privilege of witnesses.** No person shall be excused from attending and testifying, or from producing any books, papers or other documents before the court, or justice thereof, upon any trial, investigation or hearing, under the provisions of this article, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him, may tend to convict him of a crime, or subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture, for or on account of any transaction, matter or thing concerning which he may so testify, or produce evidence, documentary or otherwise, and no testimony so given or produced shall be received against him upon any criminal investigation or proceeding.

**§ 559. Conduct of hearing.** The attorney-general, a district attorney or some person designated by either, or by such court or justice, shall attend the inquest and examine the witnesses, and the persons or committees by or against whom the proceeding is brought shall have the right to appear by counsel at the inquest, produce evidence, and examine and cross-examine witnesses in their own behalf. Such court or justice shall have power, by a subpoena duces tecum, to compel the production before him or it, for examination, of any books or papers of any kind or of any other thing which he or it may require in the conduct of such inquiry, and which is relevant and material. Such court or justice shall have power to cause any person who shall neglect or refuse to appear before him or it as a witness, having been duly summoned, to be brought before him or it; and any person in attendance as a witness, who shall refuse to be sworn as a witness, or who being sworn shall refuse to answer any proper questions propounded to him, and any person who, having been duly summoned, shall neglect or refuse to appear before such court or justice, may be adjudged guilty of contempt and may be fined not more than one thousand dollars, or imprisoned not more than thirty days, or both.

**§ 560. Judgment and penalty.** The said court or justice thereof shall render judgment in such proceedings as fol-

lows: If such person or persons or committee or committees proceeded against, have failed to file the required statement, or have filed a false or incomplete statement, without wilful intent to defeat the provisions of this article, the judgment shall require the person or persons proceeded against to file such statement or such amendment to the statement, as shall render the same true and complete, within ten days of the entry of the judgment, and to pay the costs and expenses of the proceeding. If such person or persons or committee or committees have failed to file a statement, or have filed a false or incomplete statement, and such failure to file or such false or incomplete statement was due to a wilful intent to defeat the provisions of this article, or if the person or persons proceeded against shall fail to file the required statement or amendment as directed by a judgment of a court or justice within ten days after the entry of such judgment, the person or persons or committee or committees proceeded against shall be liable to a fine not exceeding one thousand dollars, or imprisonment for not more than one year, or both. If such person or persons or committee or committees have filed a statement complying with the provisions of this article, or if the person or persons, committee or committees proceeded against, or either of them, are not required to file a statement as prescribed herein, the court or justice shall render judgment against the applicant or applicants, and in favor of such person or committee, for his or their costs and disbursements, to be taxed by such court or justice.

**§ 561. Application of article limited.** The provisions of this article shall not be applicable to elections of town or village officers in any town or village, or to any person, association or corporation engaged in the publication or distribution of any newspaper or other publication issued at regular intervals in respect to the ordinary conduct of such business.

**§ 562. Party funds not to be expended for primary purposes.** No contributions of money, or the equivalent thereof, made, directly or indirectly, to any party, or to any party committee or member thereof, or to any person representing or acting on behalf of a party, or any moneys now in the treasury of any party, or party committee, shall be expended in aid of the designation or nomination of any person to be voted for at a primary election, either as a candidate for nomination for public office, or for any party position. [*As added by chap. 891, Laws of 1911, and amended by chap. 820, Laws of 1913.*]

**ARTICLE 17****Laws Repealed; When to Take Effect**

Section 570. Laws repealed.

571. When to take effect.

**§ 570. Laws repealed.** Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is hereby repealed.

**§ 571. When to take effect.** This chapter shall take effect immediately.

## SCHEDULE OF LAWS REPEALED.

Revised Statutes.... Part 1, chapter 6, ..... All

Laws of	Chapter	Section
1778.....	12.....	9
1778.....	16.....	All
1778.....	39.....	All
1781.....	36.....	2
1784.....	66.....	2
1787.....	15.....	1-25, 27
1789.....	12.....	All
1789.....	35.....	All
1791.....	5.....	All
1791.....	52.....	All
1792.....	33.....	All
1792.....	72.....	All (15th Sess.)
1792.....	1.....	All (16th Sess.)
1792.....	5.....	All (16th Sess.)
1793.....	14.....	All
1796.....	32.....	All
1796.....	57.....	32
1797.....	62.....	1-10, 12, 13
1799.....	51.....	All
1800.....	23.....	All
1801.....	24.....	All
1801.....	61.....	1-9, 11-13, 15, 19, 20
1801.....	64.....	1-3
1802.....	81.....	1, 3, 4
1804.....	2.....	All (28th Sess.)

<sup>1</sup>As renumbered by Chap. 800, Laws of 1913.

Laws of	Chapter	Section
1807.....	112.....	All
1808.....	170.....	2, 3
1809.....	16.....	All
1810.....	193.....	12
1811.....	201.....	All
1812.....	56.....	All
1812.....	169.....	All
R. L. 1813...	25.....	All
R. L. 1813...	41.....	All
1815.....	145.....	All
1819.....	37.....	All
1821.....	246.....	All
1822.....	34.....	1
1822.....	250.....	1-15, 17-26, 30
1823.....	268.....	All
1824.....	258.....	All
1824.....	316.....	All
1825.....	33.....	All
1826.....	245.....	All
1827.....	179.....	1-7, 10, 11
1828.....	20.....	19 (2d Meet.)
1828.....	21.....	1, ¶ 45, 192, 427, 480, 503, 529 (2d Meet.)
1829.....	139.....	All
1832.....	248.....	All
1832.....	249.....	All
1837.....	445.....	All
1841.....	301.....	All
1842.....	130.....	All
1842.....	325.....	3-5
1844.....	331.....	All
1845.....	354.....	All
1847.....	240.....	All
1851.....	217.....	All
1854.....	286.....	All
1855.....	513.....	All
1856.....	79.....	All
1859.....	380.....	All
1860.....	349.....	All
1860.....	480.....	All
1861.....	307.....	All

Laws of	Chapter	Section
1864.....	253.....	All
1865.....	475.....	All
1865.....	570.....	All
1865.....	740.....	All
1866.....	524.....	All
1866.....	812.....	All
1870.....	134.....	All
1870.....	138.....	All
1870.....	388.....	All
1870.....	503.....	All
1871.....	712.....	All
1872.....	570.....	All
1872.....	698.....	All
1872.....	757.....	All
1873.....	314.....	All
1873.....	474.....	All
1873.....	824.....	All
1875.....	138.....	All
1876.....	287.....	All
1877.....	28.....	All
1877.....	322.....	All
1878.....	354.....	All
1879.....	320.....	All
1880.....	56.....	All
1880.....	142.....	All
1880.....	366.....	All
1880.....	437.....	All
1880.....	460.....	All
1880.....	465.....	All
1880.....	508.....	All
1880.....	553.....	All
1880.....	576.....	All
1881.....	18.....	All
1881.....	137.....	All
1881.....	163.....	All
1881.....	196.....	All
1882.....	13.....	All
1882.....	154.....	All
1882.....	366.....	All
1882.....	410.....	1839-1844, 1846-1848, 1850- 1861, 1864-1866, 1868-1920, 1931

Laws of	Chapter	Section
1883.....	316.....	All
1883.....	380.....	All
1883.....	422.....	All
1883.....	508.....	All
1884.....	161.....	All
1885.....	267.....	3, 4
1885.....	446.....	All
1886.....	649.....	All
1887.....	265.....	All
1888.....	583.....	[For sections repealed in title xx. as amended, see chapter 236, Laws 1891, in this schedule] Title 20, §§ 3-25; 26 all after the word "board," in the last line; 27-32
1889.....	1.....	All
1890.....	117.....	All
1890.....	169.....	All
1890.....	262.....	All
1890.....	321.....	All
1890.....	330.....	All
1890.....	355.....	All
1891.....	7.....	All
1891.....	236.....	[Sections 3 to 25, inclusive, all after the word "board" in the last line of section 26, and sections 27 to 32, inclusive, of title xx. of chapter 583, Laws 1888, as amended by chapter 236, Laws 1891] 1 part amending L. 1888, Ch. 583, Tit. 20, §§ 3-25; 26 all after the word "board" in the last line; 27-32
1891.....	296.....	All
1891.....	336.....	All
1892.....	127.....	All
1892.....	680.....	All
1893.....	233.....	All
1893.....	274.....	All
1893.....	370.....	All

Laws of	Chapter	Section
1894.....	61.....	All
1894.....	275.....	All
1894.....	302.....	All
1894.....	348.....	2-8
1894.....	764.....	All
1894.....	765.....	All
1895.....	23.....	All
1895.....	73.....	All
1895.....	138.....	All
1895.....	158.....	All
1895.....	810.....	All
1895.....	909.....	All
1895.....	991.....	All
1895.....	992.....	All
1895.....	993.....	All
1895.....	1034.....	All
1895.....	1035.....	All
1896.....	163.....	All
1896.....	339.....	All
1896.....	909.....	All
1897.....	379.....	All
1897.....	410.....	All
1897.....	449.....	All
1897.....	450.....	All
1897.....	608.....	All
1897.....	609.....	All
1898.....	168.....	All
1898.....	179.....	All
1898.....	335.....	All
1898.....	340.....	All
1898.....	363.....	9
1898.....	674.....	All
1898.....	675.....	All
1898.....	676.....	All
1899.....	58.....	All
1899.....	266.....	All
1899.....	363.....	All
1899.....	466.....	All
1899.....	467.....	All
1899.....	473.....	All
1899.....	499.....	All
1899.....	630.....	All

Laws of	Chapter	Section
1899.....	641.....	All
1899.....	649.....	All
1900.....	202.....	All
1900.....	204.....	All
1900.....	225.....	All
1900.....	381.....	All
1900.....	506.....	All
1900.....	648.....	All
1900.....	684.....	All
1900.....	711.....	All
1900.....	732.....	All
1901.....	95.....	All
1901.....	113.....	All
1901.....	167.....	All
1901.....	208.....	All
1901.....	232.....	All
1901.....	300.....	All
1901.....	360.....	All
1901.....	530.....	All
1901.....	536.....	1, 2
1901.....	544.....	All
1901.....	598.....	3, 4
1901.....	615.....	All
1901.....	654.....	All
1902.....	89.....	All
1902.....	176.....	All
1902.....	195.....	All
1902.....	241.....	All
1902.....	405.....	All
1903.....	111.....	All
1903.....	122.....	All
1903.....	197.....	All
1903.....	595.....	All
1903.....	644.....	All
1904.....	70.....	All
1904.....	74.....	All
1904.....	249.....	All
1904.....	350.....	All
1904.....	394.....	All
1904.....	487.....	All
1904.....	488.....	All
1904.....	733.....	All

Laws of	Chapter	Section
1905.....	49.....	All
1905.....	165.....	All
1905.....	207.....	All
1905.....	229.....	All
1905.....	643.....	All
1905.....	674.....	All
1905.....	675.....	All
1905.....	689.....	All
1906.....	159.....	All
1906.....	227.....	All
1906.....	259.....	All
1906.....	331.....	All
1906.....	466.....	All
1906.....	498.....	All
1906.....	502.....	All
1906.....	570.....	All
1906.....	642.....	All
1907.....	119.....	All
1907.....	255.....	All
1907.....	296.....	All
1907.....	470.....	All
1907.....	472.....	All
1907.....	504.....	All
1907.....	596.....	All
1907.....	654.....	All
1907.....	744.....	All
1908.....	105.....	All
1908.....	456.....	All
1908.....	463.....	All
1908.....	464.....	All
1908.....	480.....	All
1908.....	488.....	All
1908.....	489.....	All
1908.....	491.....	All
1908.....	492.....	All
1908.....	521.....	All

# **INSTRUCTIONS FOR GUIDANCE OF ELECTION OFFICERS AT GENERAL ELECTIONS.**

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The following brief instructions are intended not as a complete guide for election officers, but merely to point out where their more important duties may be found in the text of the election law.

## **GENERAL POWERS AND DUTIES.**

### **Preliminary Duties.**

One of the preliminary duties of an election officer should be to familiarize himself with the boundaries of his election district, in order that he may be able to decide at once whether an elector, upon giving his place of residence, is entitled to be registered or entitled to vote in his election district. This knowledge may be obtained by application to the town or city clerk, or board of elections, where maps or certificates of the boundaries of election districts are required to be filed. See § 298.

### **Organization of Boards of Inspectors.**

The first duty to be performed by boards of inspectors is the registration of electors, and before entering upon that duty, the inspectors of each district shall meet and appoint one of their number chairman, or if the majority shall not agree upon such appointment, they shall draw lots for that position. See §§ 313, 314.

### **Inspectors to Act as a Board.**

In all proceedings of the inspectors acting as registrars, inspectors or canvassers they shall act as a board, and, in case of a question arising, as to matters which may call for a determination by them, a majority of such board shall decide. See § 314.

### **Supplying Vacancies and Absences.**

If at the time of any meeting of the inspectors, there should be a vacancy in any of the election offices, or any election officers

should be absent, the offices should be filled, or absences supplied, from the political party entitled to the vacant place, in the manner prescribed by law; and the person so appointed or designated to act as an election officer should immediately take the constitutional and statutory oaths, as prescribed by the election law. See § 313.

### **Preservation of Order by Inspectors.**

All meetings of the board of inspectors shall be public, and the board and individual members thereof shall have full authority to preserve peace and good order at all meetings of the board and around the polls of elections, to keep the access thereto unobstructed, and to enforce obedience to their lawful commands. The board may also call upon voters to assist in the performance of these duties. See § 315.

## **REGISTRATION OF ELECTORS.**

### **Meetings.**

Before every general election, meetings for the registration of electors are to be held as follows: In New York city meetings shall begin on Monday the twenty-ninth day before election and continue on each day of the same week up to and including Saturday. On the fourth Friday, fourth Saturday, third Friday and third Saturday before election, in cities (outside of New York) and villages of 5,000 inhabitants or more. On the fourth Saturday and third Saturday in all election districts other than cities and villages of 5,000 inhabitants or more. See § 150.

No inspector shall on any day of registration be absent during the hours fixed for enrolling the names of electors. See § 152.

Not more than two watchers of each political party or independent body entitled to file certificates of nominations may be present at such polling place, and within the guard rail, from at least fifteen minutes before the commencement of the said meeting until after the completion of the duties of the board of inspectors for that day of registration, provided that women may act as watchers at meetings for registration immediately preceding any election whenever held at which a woman suffrage con-

stitutional amendment is to be submitted to the voters, except that but one woman watcher for, and one woman watcher opposed to, the adoption of such amendment shall be permitted. See § 152.

### **Register of Electors.**

Each inspector is required to make one copy of the register of voters, and he should not make any entry in any register but his own, or permit any other person to make an entry therein.

The copy made by the chairman of the board of inspectors, which is known as the "public copy of registration," is to be left in a prominent position in the place of registration, from the first day of registration until election day. Each other inspector must carefully preserve his register and be responsible therefor until the close of the canvass of the votes on election day, and on the last day of registration a statement of the number registered shall be made as provided in section 177, except that in cities of the first class, at the close of the last day of registration, the chairman of the board shall take from an inspector of opposite political faith, the register made by such inspector and deliver it to the police for filing, as required by the election law, and the two other inspectors of opposite political faith shall each retain their respective registers of electors, for use on election day. See § 177.

Entries are to be made in the blank books for registration of voters, and when necessary, in the book of identification statements for registration day, which books are to be delivered to the inspectors before the hour set for registering the names of voters on the first day of registration. Such books contain instructions which should be carefully read by each inspector before proceeding with the registration of voters, and in addition thereto, the inspectors are advised to read carefully the provisions of section 155 for full and complete instructions.

### **Qualifications of Electors.**

The qualifications of a voter for the purpose of having his name placed on the register, are fully set forth in section 162, and should be thoroughly understood by the inspectors of election.

### **Challenges.**

If an applicant for registration be challenged, or if any member of the board of inspectors shall have reason to suspect that such applicant is not entitled to be registered, his name should not be entered on the register of voters unless upon examination under oath, the applicant shall prove to the satisfaction of the inspectors his right to be registered. Blank challenge affidavits are provided for each board of inspectors, which are to be filled out by the inspectors in every case of challenge. If a member of the board shall have reason to suspect that the applicant is not entitled to have his name entered on the register, and if the applicant shall by his answers satisfy a majority of the board of inspectors of his right to be registered, they shall register his name; if not, they shall point out to him the qualification which he lacks as a voter, and his name shall not be entered upon such register except as provided by section 153 of the election law, relating to the adding and erasing of names on the register. See § 169.

### **Duties at the Close of Registration Days.**

At the close of each day's registration, each inspector is required to draw a line in ink immediately below the name of the voter last entered upon each page of his register; and upon the succeeding day of registration, he must enter the names of voters immediately under such lines. See § 177.

The inspectors must also, at the close of each meeting, sign the certificate contained in the last pages of each registration book, to the effect that such register as it now is, is a true and correct register of the names and residences of all the persons registered respectively. See § 176.

Inspectors of each election district shall at the close of the last day of registration, certify to the officer or board charged with the duty of furnishing ballots and to the state superintendents of elections the total number of electors registered in such district. Inspectors of each district are required to furnish to the same officials at the close of each day of registration the total number

of electors registered on such day in their respective districts. See § 181.

At the close of the last day of registration, the inspectors shall file the book of stubs and unused challenge affidavits with the officer from whom it was received. See § 172.

Boards of inspectors of election districts in cities of the first and second class are required immediately after the close of the last day of registration to make and complete one list of all persons registered in their respective districts in numerical order of the street numbers thereof, which list shall be signed and certified by the board of inspectors, and delivered by the chairman of the board to the police captain of the precinct in which the election district is located, or to an officer thereof. See § 157.

At the close of the last day of registration in cities of the first class one of the registers should be filed as provided for in section 178.

The board of inspectors of each election district shall on each day of registration transfer to cards to be provided for that purpose by the secretary of state, which cards shall be in form and style approved by the state superintendents of elections, a complete copy of the name of each person registered in their respective districts, together with all of the answers made and information given by the person registered, at the time of registration, and such cards, inclosed and sealed in a cover to be provided for that purpose by the secretary of state, shall be delivered forthwith personally or by mail, by the chairman of the board of inspectors together with a statement on a blank form, to be furnished by the secretary of state after approval by the state superintendents of elections, that the cards delivered contain a correct copy of all the names registered and information given by the persons so registered, to the state superintendents of elections at one of their offices to be designated by them. See § 485.

**DUTIES ON ELECTION DAY.****Opening of the Polls.**

Election officers are required to meet at the polling places of their respective districts not later than 5:30 a. m., and proceed to arrange the polling places for the orderly and legal conduct of the election. See § 350.

For manner of arrangement of polling places, see § 317.

Sealed packages containing official and sample ballots, instruction cards and stationery, are required to be distributed to each election district at least one-half hour before the opening of the polls of such election therein. The inspectors upon receiving such packages, shall give to the officer or board delivering the same a receipt therefor. The register shall also be conveniently placed within the guard rail. See §§ 343, 350.

If the official ballots required to be furnished shall not be delivered at the time required, the board shall cause unofficial ballots to be prepared as nearly in the form of the official ballots as practicable. See § 345.

The following duties shall be performed by the inspectors before opening the polls:

1. Open the sealed package of instruction cards, and cause them to be posted in the manner provided by law.

2. Open the sealed package of official ballots and sample ballots and place them in charge of the ballot clerks.

3. Place the poll books in charge of the poll clerks.

4. Cause the distance markers to be placed at a distance of one hundred feet from the polling place.

5. See that the voting booths are supplied during the hours of voting with pencils having black lead only.

6. Unlock the ballot boxes, see that they are empty, allow the watchers present to examine them, and lock them up again while empty in such manner that the watchers present and the persons just outside the guard rail can see that such boxes are empty when they are relocked.

7. The election officers should be stationed as near each other as practicable within the enclosed space. See § 350.

8. Designate an inspector to receive ballots from the electors voting, and if a majority shall not agree to such designation, such position shall be filled by drawing lots. See § 353.

9. If at the opening of the polls or during the day of election there should be a vacancy in any of the election offices, or any election officer should be absent, such vacancies and absences should be filled at once. See § 313.

### **Proclamation of Opening of Polls.**

The polls of every general election shall be open at six o'clock in the forenoon. See § 291.

One of the inspectors shall then make proclamation that the polls of election are open and of the time in the afternoon when the polls will be closed. See § 350.

The following form may be used, or any other that will meet the requirements of law:

“Hear ye! hear ye! hear ye! The polls of this election are opened, and all persons attending the same are strictly charged and commanded, by the authority and in the name of the people of this state, to keep the peace thereof during their attendance at this election on pain of imprisonment. And all persons are desired to take notice that the polls will be closed at five o'clock in the afternoon.”

### **Watchers and Challengers.**

Duly authorized watchers, two of each political party or independent body, upon the production of their credentials, should be admitted within the guard rail at least fifteen minutes before the unlocking and examination of any ballot box at the opening of the polls, and may be present until after the announcement of the result of the canvass of the votes cast thereat, and the signing of the original statement of the canvass, and copies thereof, by the inspectors. Women watchers to be allowed at certain times. See § 352.

A reasonable number of challengers shall be permitted to remain just outside the guard rail of each polling place, where they can plainly see what is done within such rail outside the voting booths, from the opening to the close of the polls thereat. See § 352.

### **Delivery of Ballots to Electors.**

Do not allow within the guard rail more than twice as many voters as there are voting booths thereat, in addition to the persons lawfully within such guard rail for other purposes than voting. See § 356.

Persons lawfully authorized to be admitted within guard rail are enumerated in section three hundred fifty-one.

When a voter enters within the guard rail, after giving his name and residence, and age, if required by the inspectors, one of the inspectors shall thereupon announce the name and residence of the elector in a loud and distinct voice, and if such voter is entitled to vote thereat, and if there is no challenge, or if challenged and the challenge be decided in his favor, one of the ballot clerks shall deliver to him a set of official ballots folded in the proper manner for voting. See § 356.

If it be an election for which electors are required to be registered, the other inspectors shall, before any ballots are delivered by the ballot clerks, ascertain whether he is duly registered, and the ballot clerks shall not deliver any ballots to such voter, until the inspectors announce that he is registered. See § 353.

The ballot clerks shall deliver the ballots in such order that the numerical order of the numbers printed on the stubs of the ballots delivered shall be the same as the order of the successive deliveries thereof. The ballot numbered one on the stub being the first delivered, and so on. See § 354.

If, in addition there shall be any ballots of questions submitted, such ballots shall be delivered to the voter in such order that the number on the stubs of both ballots so delivered shall be the same. See § 354.

In case one of a set of ballots bearing the same number shall be found defective in printing, or mutilated, before the same is

given to the voter, all ballots of that number shall have the stubs removed therefrom by the ballot clerks, and such ballots shall be deposited in the box for spoiled and mutilated ballots, and the stubs in the box for detached stubs; and a memorandum shall be made of the fact that such set was not delivered to the voters. See § 354.

The ballot clerks shall upon the delivery of official ballots to the voters announce the voter's name and the printed number on the stub of each ballot so delivered. See § 354.

Upon the return of a ballot or set of ballots unvoted, they shall announce the name of the voter returning them, and the printed number on the stubs of the ballots so returned, and shall at once remove the stubs from such returned ballots, and deposit the same in the box for detached stubs, and such ballots in a box for spoiled and mutilated ballots; and shall then make a memorandum of the number of such ballots and the fact that they were returned spoiled by the voters. See § 354.

If a voter deface or tear a ballot, or wrongly mark the same, he may successively obtain others, one set at a time, not exceeding in all three sets, upon returning each set of ballots so defaced or wrongly marked to the ballot clerks. See § 358.

Upon each delivery of the official ballot, or set of official ballots, by the ballot clerks to a voter, each poll clerk must make the proper entries in the proper column of the poll book. See § 355.

Only such ballots shall be delivered to a voter, as the voter is legally entitled to vote, and also a sample ballot when the same is asked for. See § 356.

### **Assistance for Certain Electors.**

In cases of physical disability or illiteracy of a voter, which must be declared by the voter under oath, two of the election officers, who shall not be of the same political faith, may enter the booth with such voter and assist him in preparing his ballots. Such election officers are forbidden to influence such voter, or reveal to any person the name of any candidate voted for by such voter. See § 357, relating to assistance at town meetings or village elections.

### **Receiving of Ballots.**

When the ballot of a qualified voter is presented to the inspector in charge of the ballot box, such inspector shall announce the name of the voter and printed number on the stub in a loud and distinct voice, and if the voter be entitled to vote and be not challenged, or if challenged and the challenge be decided in his favor, and if his ballots are properly folded and have no mark or tear visible on the outside thereof, except the printed number on the stub and the printed endorsement on the back, and if such printed number is the same as that entered on the poll books as the number on the stub or stubs of the official ballot or set of ballots last delivered to him by the ballot clerks, such inspector shall receive such ballot or ballots, after removing the stub or stubs therefrom in plain view of the voter, and without removing any other part of the ballot, or in any way exposing the face thereof below the stub, shall deposit each ballot in the proper ballot box for the reception of voted ballots, and the stub in the box for detached ballot stubs. See § 359.

As each elector votes the poll clerks shall enter in the poll books in the column provided therefor, opposite the name of such elector, the number upon the detached stub of the ballot or set of ballots voted by him. See § 355.

As each elector offers his ballot or set of ballots which he intends to vote, to the inspector, each poll clerk shall report to the inspector whether the number entered on the poll book kept by him, as the number on the ballot or set of ballots last delivered to such elector is the same as the number on the stub of the ballot or set of ballots so offered. See § 355.

### **Challenges.**

A person may be challenged, either when he applies for an official ballot, or when he offers the ballot that he intends to vote, or previously by notice to that effect to an inspector by any voter. It shall be the duty of each inspector to challenge every person offering to vote, whom he shall know or suspect not to be duly qualified as a voter. See §§ 169, 361.

In such cases the following preliminary oath shall be tendered to him: "You do swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence and qualifications as an elector." See § 362.

The inspectors or one of them shall then ask the following questions under the preliminary oath:

1. What is your name?
2. What is your age?
3. Where do you reside? State as precisely as you are able the particular locality of your place of residence.
4. How long have you resided in this election district?
5. What was your last place of residence before you came into this election district?
6. How long have you resided in this country?
7. How long have you resided in this state?
8. Are you a native or naturalized citizen?  
If a naturalized citizen —
9. When were you naturalized?
10. Where and in what court, or before what officer?
11. How long have you resided in the United States?
12. Did you come into this election district for the purpose of voting at the next ensuing election?
13. How long do you contemplate residing in this election district?
14. Have you made a bet or wager, or are you directly or indirectly interested in any bet or wager depending on the result of the next ensuing election?
15. Have you received, or offered to receive, or do you expect to receive, any money or other valuable thing as compensation or reward for giving your vote at the next ensuing election?
16. Have you paid, offered or promised to pay, contributed, offered or promised to contribute, to another, to be paid or used, any money or other valuable thing, or made any promise, to influence the giving or withholding of any vote at the next ensuing election?
17. Have you been convicted of felony?

18. If so convicted, have you been pardoned and restored to all the rights of citizenship?

In addition, such other questions may be asked which may tend to test the qualifications of the persons offering to vote as a resident of the election district, citizenship and right to vote at such polling place. See § 362.

Upon the refusal of any person to take the preliminary oath, and to answer fully the questions which may be put to him, his vote shall be rejected. See § 362.

After receiving the answers of the person challenged, the inspectors shall point out to him the qualifications, if any, in respect to which he shall appear to them to be deficient. See § 362.

And if the person persists in his claim to vote, and the challenge be not withdrawn, the following oath shall be administered to him: "You do swear (or affirm) that you are twenty-one years of age, that you have been a citizen of the United States for ninety days, and an inhabitant of this state for one year next preceding this election, and for the last four months a resident of this county, and for the last thirty days a resident of this election district, and that you have not voted at this election?" See § 363.

If the person so offering to vote shall be challenged for causes stated in section two of article two of the Constitution of this state, the following additional oath shall be administered by one of the inspectors: "You do swear (or affirm) that you have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding of a vote at this election, and have not made any promise to influence the giving or withholding of any such vote and that you have not made, or become directly or indirectly interested in any bet or wager depending upon the result of this election." See § 363.

If the person so offering to vote shall be challenged on the ground of having been convicted of bribery or any infamous crime, the following additional oath shall be administered to him

by one of the inspectors: "You do swear (or affirm) that you have not been convicted of bribery or any infamous crime, or if so convicted, that you have been pardoned and restored to all the rights of a citizen." See § 363.

If any person shall refuse to take either oath so tendered, his vote shall be rejected, but if he shall take the oath or oaths tendered him, his vote shall be accepted. See § 363.

A record of the persons challenged is required to be kept, containing the name of every person who is challenged, or who takes either the preliminary or general oath, or both, specifying in each case the particular oath taken, and at the close of election, the inspectors shall certify that the record contains the names of all persons challenged at such election in such district. See § 364.

### **Closing the Polls and Counting the Vote.**

The polls shall be closed at five o'clock in the afternoon. The closing of the polls shall be deemed to mean the close of the delivery of official ballots to the electors, and the electors entitled to vote who are in the polling place at or before the time fixed for the close of the polls, shall be allowed to vote. See § 291.

Immediately upon the closing of the polls, the inspectors of election shall publicly canvass and ascertain the votes, and shall not adjourn or postpone the canvass until it shall be fully completed.

At the close of the polls the ballot clerks shall make up in triplicate in ink a return which shall account for all the official ballots furnished to the election district in which they are serving; they shall count and verify the number of each kind of unused ballots, and enter it upon their returns; they shall then open the box for ballots canceled before delivery and spoiled and returned by voters, separate them into their several kinds, count all ballots of each kind and enter the numbers upon their returns. They shall make the additions and subtractions called for by the returns and prove their figures. In making their returns as aforesaid, the ballot clerks shall use the printed forms supplied to them with the ballots, and they shall carefully insert in all the blank

spaces thereon the appropriate names, words and figures according to the directions contained in article nine of this chapter and printed on the forms.

Each kind of ballot and each kind of stub shall immediately after they are counted as aforesaid be securely tied in a separate package, and shall be plainly labeled, sealed, and returned to the box from which it was taken, and the box securely locked and sealed. The ballot clerks shall also securely tie all unused ballots in a sealed package. They shall then sign and swear to their returns before one of the inspectors and shall deliver their returns, the boxes, packages, ballots and stubs, together with the keys of the boxes, to the chairman of the board of inspectors. The ballots so sealed and delivered shall be deposited and preserved as ballot boxes are hereinafter required to be deposited and preserved.

3. Poll clerks. Immediately upon the close of the polls the poll clerks shall assist the inspectors of election in comparing the poll-books with the registers as hereinafter provided, and shall make out in triplicate in ink and sign and swear to their returns before one of the inspectors of elections according to the forms provided, and deliver them to the chairman.

4. Order of canvassing. The ballot boxes shall then, and not before, be opened and the ballots shall be canvassed, in the following order:

First. The box, if any, containing presidential ballots.

Second. The box, if any, containing general ballots; and

Third. The boxes, if any, containing ballots upon constitutional amendments or other questions submitted, including town questions. See § 366.

### **Method of Canvassing.**

The chairman of the board of inspectors shall personally unfold each ballot of the kind then to be canvassed in such a manner that its face shall be down and all marks thereon shall be wholly concealed, and he shall place all the ballots, so unfolded and with their faces down, in one pile. He shall then take up each ballot in order, turn it face up, and announce in a loud and distinct voice,

the vote registered on the first section or that the ballot is void or that the section is blank, as the case may be. He shall then turn the ballot face down and place it in a new pile. When he has announced the votes on the first sections of all the ballots of the kind then to be canvassed, and the poll clerk's tallies made as hereinafter provided are proved to be correct, the official return provided for in article thirteen shall be filled out and signed. Then, and not before, the chairman shall proceed to canvass in like manner the votes upon the next section to be canvassed, and thus he shall proceed until all the ballots have been canvassed.

As each vote is announced each poll clerk shall immediately tally it in black ink, with a downward stroke from right to left upon the official tally sheet provided for the purpose, also carefully tallying one for each blank or void vote. Each poll clerk as he tallies a vote shall clearly announce the name of the candidate for whom he tallies it, or that he tallies the vote blank or void as the case may be, or in case of a question submitted that he tallies the vote "Yes" or "No" as the case may be, and until such announcement by each poll clerk the chairman shall not announce another vote. When a candidate's name is not printed on the official tally sheet or return provided, it shall be written in full thereon in ink in its due order, that is, in the order in which it appears on the ballot. The tally marks shall be made in due numerical order in the tally spaces provided.

When all the sections relating to the same office or question shall have been canvassed, the number of ballots shall be compared with the tally thereof. If the result as shown on the tally sheets does not agree with the results as shown by the number of ballots, an error has been committed and a recanvass must be made. Upon the recanvass, the tally must be kept in red ink from left to right across the previous tally marks. When all the errors have been corrected and the tally sheets have been found to be correct, the poll clerks shall indicate the last tally opposite each name by forthwith canceling at least the next ten unused tally spaces, if there are so many, and if there are not so many, then as many as possible, by drawing through them in red ink

one or more horizontal straight lines. The tally sheets having been thus prepared, verified, and closed, the inspectors and poll clerks shall sign the certificate at the foot of each sheet in the places indicated thereon.

2. Canvassing ballots when more than one candidate is to be elected to the same office. When more than one candidate is to be elected to the same office, the foregoing method of canvass shall be modified to meet the necessities of the case, as follows:

The chairman shall read the names of the candidates voted for in the order in which they appear in the section, and each poll clerk shall make an accurate tally of each vote as announced upon the official tally sheet provided for the purpose. The chairman shall also announce the void ballots, if any, and the number of blanks, if any, upon the section, and each poll clerk shall make as many tallies for each void ballot as there are candidates thereon to be elected to the office in question, and one tally for each blank.

3. Canvassing presidential ballots. The straight ballots, that is, all valid ballots on which all the candidates in any party group are voted for, shall be placed in piles, like with like, and the split ballots, that is, all valid ballots marked in one or more of the individual voting squares or with names written thereon, shall be placed in one pile, and all void ballots and wholly blank ballots shall be likewise placed in separate piles. Each of the piles shall then be counted and the result clearly announced, and the number of straight votes for each candidate shall be entered in gross opposite his name on a tally sheet by each poll clerk, and the number of split, void and wholly blank ballots shall be similarly entered in their appropriate places. The chairman shall then take the split ballots and they shall be canvassed, announced and tallied in the manner above provided for canvassing ballots when more than one candidate is to be elected to the same office.

In all cities and villages of five thousand inhabitants or more, the chairman of the board shall forthwith upon completion of the count of votes and announcement thereof, deliver to the police officer on duty at the polling place a statement subscribed by the board stating the number of votes received by each candidate for office. See § 372.

**Statement of Canvass and Certified Copies.**

Upon the completion of the canvass the board of inspectors shall make out an original statement of canvass and two certified copies thereof, and sign and certify them as required by law. See § 373.

The ballots voted, except the void and protested ballots, should be replaced in the box from which they were taken, together with a statement as to the number of such ballots so replaced, and each such box shall be securely locked and sealed, and deposited with the officer or board furnishing such boxes. See § 374.

**Proclamation of Result.**

Upon the completion of the canvass and of the original statement and certified copies, and the result thereof, the chairman of the board shall make public oral proclamation of the result of the canvass. See § 375.

The original statement of canvass and the certified copies thereof will then be securely and separately sealed with sealing wax in an envelope properly endorsed on the outside thereof by the inspectors. See § 376.

**Delivery and Filing of Papers, etc.**

At every general election, the chairman of the board shall forthwith upon the completion of the canvass, deliver one certified copy thereof as follows:

One copy shall be delivered to the supervisor of the town or city in which the election district is situated, and if there be no supervisor, or he be absent or unable to attend the meeting of the county board of canvassers, such copy shall be forthwith delivered to the assessors of such town or city. See § 377.

One certified copy of such original statement of the result of the canvass, the poll books of the election and one of the tally sheets shall be forthwith filed by the inspectors, or by one of them deputed for that purpose, with the town or city clerk as the case may be. See § 377.

The original certified statement of the result of the canvass, with the original ballot return, prepared by the ballot clerk,

attached, the sealed package of void and protested ballots, the record as to challenged and assisted electors, with the sealed packages of the detached stubs and unvoted ballots, and one of the tally sheets shall within twenty-four hours after the completion of the canvass, be filed by the chairman of the board of inspectors, with the board of elections of the county in which the election district is situated. See § 377.

The registers of electors and public copy thereof shall be filed at the close of the canvass of votes, or within twenty-four hours thereafter shall be filed respectively with the board of elections of the county in which the election district is located, and in the city of New York with the office located in the borough of Manhattan, and with the chief clerk of the branch office of the board of elections in each other borough of the city of New York. See § 180.

In the city of New York, the original statement of canvass, the sealed packages of void and protested ballots and other election papers and packages, shall be filed as provided in section 378 of the election law.

### HOW TO VOTE.

The voter should enter within the guard rail through the entrance provided, and forthwith proceed to the inspectors and give his name and residence to the inspectors. If entitled to vote, and his vote is not challenged, or if challenged, and the challenge be decided in his favor, one of the ballot clerks will deliver to him one official ballot, or set of official ballots, folded in the proper manner. See § 356.

He will then retire alone to one of the voting booths for the purpose of preparing his ballots. The following rules are to be observed in marking ballots (see § 358):

1. To vote for an entire group of presidential electors of any party by means of a single mark, he shall make a cross X mark in the circle above the party column.

2. To vote for any candidate on any ballot, except for an entire group of presidential electors by means of single mark, he shall

make a cross  $\times$  mark in the voting square at the left of the candidate's name.

3. If a voter makes a cross  $\times$  mark in the circle above a party column and also makes a cross  $\times$  mark in one or more voting squares at the left of the names of one or more presidential electors or writes in a name or names, he shall be deemed to have voted for the electors whose names are thus specially indicated and also for all the electors on the ticket so marked in the circle, except those whose names are opposite to the names so specially indicated.

4. To vote for any candidate not on the ballot, he shall write the candidate's name on a line left blank in the appropriate place.

5. To vote on any constitutional amendment or question submitted, he shall make a cross  $\times$  mark in the appropriate voting square at the left of the question as printed on the ballot.

A cross  $\times$  mark shall consist of any straight line crossing any other straight line, at any angle, within a circle or voting square. Any mark other than a cross  $\times$  mark or any erasure of any kind shall make the whole ballot void; but no ballot shall be declared void because a cross  $\times$  mark thereon is irregular in character. Any ballot which is defaced or torn by the voter shall be void. If a voter shall do any act extrinsic to the ballot itself, such as inclosing any paper or other article in the folded ballot, such ballot shall be void. If the elector marks more names than there are persons to be elected to an office, or if for any other reason it is impossible to determine the elector's choice of a candidate for an office to be filled, his vote shall not be counted for such office but shall be returned as a blank vote for such office. Where, in the case of a candidate for governor, the candidate is nominated by two or more political organizations, and the voter makes a cross  $\times$  mark in two or more voting spaces or squares, his vote for such candidate shall be counted, but he shall not be recorded in the tally sheet or returns as voting with any particular party or independent body.

If the voter should spoil a ballot or one of a set of ballots, he may successively obtain others from the ballot clerk, not exceed-

ing in all three sets, upon returning each set of ballots defaced or wrongly marked. See § 358.

No voter should be allowed to occupy a voting booth occupied by another, nor to occupy a booth more than five minutes in case all the booths are in use and voters are waiting to occupy the same. See § 358.

Before leaving the voting booth the voter should fold his ballot in the proper manner for voting, which is first by bringing the bottom of the ballot up to the perforated line, and second, by folding both sides to the center or towards the center in such manner that when folded the face of each ballot shall be concealed, and the printed number on the stub and the endorsement on the back of the ballot shall be visible, so that the stub can be removed without removing any other part of the ballot, and without exposing any part of the face of the ballot below the stub, and so that when folded, the ballot shall not be more than four inches wide. See §§ 356, 359.

The ballots handed to the voter by the ballot clerks will be properly folded and can be refolded by him in the same manner. Such manner of folding should be carefully observed before unfolding his ballot for the preparation of his vote. See § 356.

After preparing his ballots the voter should proceed at once to the inspector in charge of the ballot box, deliver his ballots to him and after seeing them deposited, leave the enclosed space. See § 359.

A voter who declares on oath at the time of registration or if subsequently disabled, on the day of election, that for lawful reasons he is unable to mark his ballot without assistance, may receive the assistance of two of the election officers in marking the same. See § 357.

All ballots must be marked with a lead pencil having black lead only. See § 358.

An elector is not allowed to re-enter the enclosed space after having voted. See § 359.

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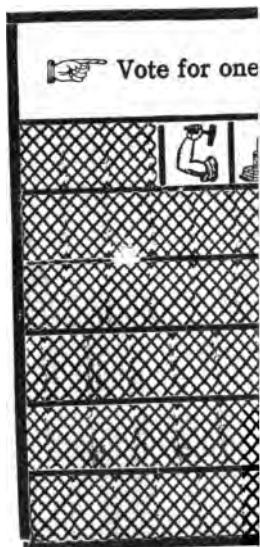
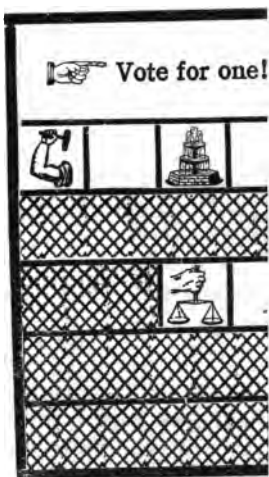
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1. To vote for a candidate, mark the squares to the right of the candidate's name.
2. To vote for a candidate, mark the squares to the right of the candidate's name.
3. Mark only with a pencil.
4. Any other mark, or
5. If you tear, or deface





# AL ELECTORS

397
185
208
7
1
1
397

County .....  
 ..... Assembly District.  
 ..... Election District.

TOTAL OF VOTES	NAMES OF CANDIDATES NOT ON THE BALLOT	TALLY HERE VOTES ON SPLIT BALLOTS AS COUNTED	TOTAL OF VOTES
206	[JOHN DOE]	/	1
209	[RICHARD ROE]	//	2
208			
Total of votes cast for candidates not on the ballot.			3

## PROOF OF THE TALLY OF SPLIT VOTES.

NUMBER OF VOTES
-----------------

.....Poll Clerk.



# OF VOTE

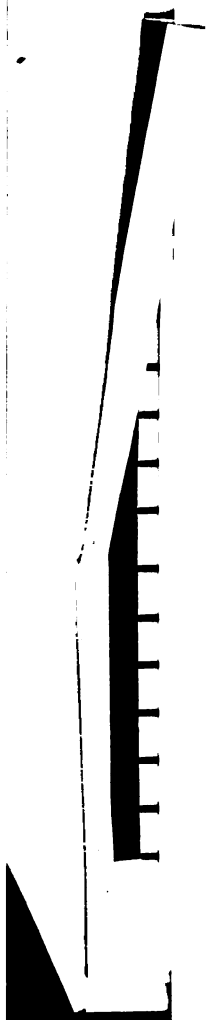
.....  
 to be elected to  
 d. For example,  
 Count two blank votes as  
 blank votes must be cast (including void and blank ballots):...485  
 will equal the to be elected:.....8  
 to be elected to an to be canvassed:.....1455

8	1	2	3	4	5	1	2	3	4	5	6	7	8	9	100	
																200
																19
																12
TOTAL																1455

kept and filled out by the  
 the vote thereon announced  
 district, in accordance with

.....Poll Clerk









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